

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 679 & 396

AN ACT

2 To repeal sections 208.152, 208.204, 210.025,
3 210.109, 210.110, 210.145, 210.152, 210.160,
4 210.183, 210.518, 210.565, 210.903, 210.909,
5 210.937, 211.031, 211.032, 211.059, 211.171,
6 211.181, 211.321, 453.110, and 475.024, RSMo,
7 and to enact in lieu thereof thirty-six new
8 sections relating to the state foster care
9 system, the Dominic James Memorial Foster
10 Care Reform Act of 2003, with penalty
11 provisions.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
13 AS FOLLOWS:

14 Section A. Sections 208.152, 208.204, 210.025, 210.109,
15 210.110, 210.145, 210.152, 210.160, 210.183, 210.518, 210.565,
16 210.903, 210.909, 210.937, 211.031, 211.032, 211.059, 211.171,
17 211.181, 211.321, 453.110, and 475.024, RSMo, are repealed and
18 thirty-six new sections enacted in lieu thereof, to be known as
19 sections 168.282, 168.283, 207.085, 208.152, 208.204, 210.025,
20 210.109, 210.110, 210.111, 210.112, 210.145, 210.147, 210.152,
21 210.160, 210.183, 210.187, 210.188, 210.482, 210.487, 210.518,
22 210.565, 210.903, 210.909, 210.937, 211.031, 211.032, 211.059,
23 211.171, 211.181, 211.321, 453.110, 475.024, 630.097, 1, 2, and

1 3, to read as follows:

2 168.282. Sections 168.283, 207.085, 210.112, 210.147,
3 210.160, 210.482, 210.487, 210.565, 211.031, 211.059, and
4 211.321, RSMo, shall be known and may be cited as the "Dominic
5 James Memorial Foster Care Reform Act of 2003".

6 168.283. 1. No person employed by a school after January
7 1, 2004, and no person employed by a school for less than two
8 years who has any negative history in his or her personnel file
9 with the school, including but not limited to, administrators,
10 teachers, aides, paraprofessionals, assistants, secretaries,
11 custodians, cooks, nurses, and bus drivers, shall have
12 unsupervised contact with pupils until a criminal history
13 background check has been conducted. The results of the
14 background check shall be sent to the employing school district.
15 Any person required to submit to a criminal background check
16 pursuant to this section shall be required to submit to the
17 Federal Bureau of Investigation background check, but may
18 register with the family care safety registry and access line
19 pursuant to sections 210.900 to 210.937 in lieu of the required
20 highway patrol background check.

21 2. To facilitate the criminal history background check on
22 any person employed by the school, such person shall submit two
23 sets of fingerprints collected pursuant to standards determined
24 by the highway patrol. One set of fingerprints shall be used by
25 the highway patrol to search the criminal history repository and

1 the second set shall be forwarded to the Federal Bureau of
2 Investigation for searching the federal criminal history files.

3 3. Any fees for the state criminal history record
4 information pursuant to section 43.530, RSMo, and for the federal
5 criminal history record by the Federal Bureau of Investigation
6 shall be paid by the employee. The department shall distribute
7 the fees collected for the state and federal criminal histories
8 to the highway patrol.

9 4. The employee may be reimbursed by the employing school
10 district if the school district policy provides for reimbursement
11 intended for state and federal criminal history information
12 pursuant to section 43.530, RSMo.

13 5. If, as a result of the criminal history background check
14 required by this section, it is determined that the holder of a
15 certificate issued pursuant to section 168.021 has been charged
16 with, pled guilty or nolo contendere to, or been found guilty of
17 a crime under the laws of this state, any other state, the United
18 States, or any other country, regardless of imposition of
19 sentence, such information shall be reported to the department of
20 elementary and secondary education.

21 6. Any school official making a report to the department of
22 elementary and secondary education in conformity with this
23 section shall not be subject to civil liability for such action.

24 7. The state board of education may promulgate rules for
25 criminal history background checks made pursuant to this section.

1 No rule or portion of a rule promulgated pursuant to the
2 authority of this section shall become effective unless it has
3 been promulgated pursuant to chapter 536, RSMo.

4 8. This section shall become effective January 1, 2004.

5 207.085. 1. For division employees involved with child
6 protective services, it shall be grounds for dismissal for any
7 officer or employee of the division of family services to
8 purposely or knowingly violate a stated or written policy of the
9 division, any rule promulgated by the division, or any state law
10 directly related to the child abuse and neglect activities of the
11 division if the violation results in serious physical injury or
12 death.

13 2. The provisions of this section shall apply to merit
14 system employees of the division, as well as all other employees
15 of the division, and upon a showing of a violation, shall be
16 considered sufficient grounds for the division to make a for
17 cause dismissal pursuant to section 36.380, RSMo.

18 3. The provisions of sections 660.019 to 660.021, RSMo,
19 shall apply to this section. If an employee is responsible for
20 assignments in excess of specified caseload standards established
21 in section 660.020, RSMo, and the employee purposely or knowingly
22 violates a stated or written policy of the division and the
23 violation results in serious physical injury or death, any rule
24 promulgated by the division, or any state law directly related to
25 the child abuse and neglect activities of the division, the

1 employee's good faith efforts to follow the stated or written
2 policies of the division, the rules promulgated by the division,
3 or the state laws directly related to the child abuse and neglect
4 activities of the division shall be a mitigating factor in
5 determining whether an employee is dismissed pursuant to
6 subsection 1 of this section.

7 208.152. 1. Benefit payments for medical assistance shall
8 be made on behalf of those eligible needy persons who are unable
9 to provide for it in whole or in part, with any payments to be
10 made on the basis of the reasonable cost of the care or
11 reasonable charge for the services as defined and determined by
12 the division of medical services, unless otherwise hereinafter
13 provided, for the following:

14 (1) Inpatient hospital services, except to persons in an
15 institution for mental diseases who are under the age of
16 sixty-five years and over the age of twenty-one years; provided
17 that the division of medical services shall provide through rule
18 and regulation an exception process for coverage of inpatient
19 costs in those cases requiring treatment beyond the seventy-fifth
20 percentile professional activities study (PAS) or the Medicaid
21 children's diagnosis length-of-stay schedule; and provided
22 further that the division of medical services shall take into
23 account through its payment system for hospital services the
24 situation of hospitals which serve a disproportionate number of
25 low-income patients;

1 (2) All outpatient hospital services, payments therefor to
2 be in amounts which represent no more than eighty percent of the
3 lesser of reasonable costs or customary charges for such
4 services, determined in accordance with the principles set forth
5 in Title XVIII A and B, Public Law 89-97, 1965 amendments to the
6 federal Social Security Act (42 U.S.C. 301, et seq.), but the
7 division of medical services may evaluate outpatient hospital
8 services rendered under this section and deny payment for
9 services which are determined by the division of medical services
10 not to be medically necessary, in accordance with federal law and
11 regulations;

12 (3) Laboratory and X-ray services;

13 (4) Nursing home services for recipients, except to persons
14 in an institution for mental diseases who are under the age of
15 sixty-five years, when residing in a hospital licensed by the
16 department of health and senior services or a nursing home
17 licensed by the division of aging or appropriate licensing
18 authority of other states or government-owned and -operated
19 institutions which are determined to conform to standards
20 equivalent to licensing requirements in Title XIX, of the federal
21 Social Security Act (42 U.S.C. 301, et seq.), as amended, for
22 nursing facilities. The division of medical services may
23 recognize through its payment methodology for nursing facilities
24 those nursing facilities which serve a high volume of Medicaid
25 patients. The division of medical services when determining the

1 amount of the benefit payments to be made on behalf of persons
2 under the age of twenty-one in a nursing facility may consider
3 nursing facilities furnishing care to persons under the age of
4 twenty-one as a classification separate from other nursing
5 facilities;

6 (5) Nursing home costs for recipients of benefit payments
7 under subdivision (4) of this section for those days, which shall
8 not exceed twelve per any period of six consecutive months,
9 during which the recipient is on a temporary leave of absence
10 from the hospital or nursing home, provided that no such
11 recipient shall be allowed a temporary leave of absence unless it
12 is specifically provided for in his plan of care. As used in
13 this subdivision, the term "temporary leave of absence" shall
14 include all periods of time during which a recipient is away from
15 the hospital or nursing home overnight because he is visiting a
16 friend or relative;

17 (6) Physicians' services, whether furnished in the office,
18 home, hospital, nursing home, or elsewhere;

19 (7) Dental services;

20 (8) Services of podiatrists as defined in section 330.010,
21 RSMo;

22 (9) Drugs and medicines when prescribed by a licensed
23 physician, dentist, or podiatrist;

24 (10) Emergency ambulance services and, effective January 1,
25 1990, medically necessary transportation to scheduled,

1 physician-prescribed nonelective treatments. The department of
2 social services may conduct demonstration projects related to the
3 provision of medically necessary transportation to recipients of
4 medical assistance under this chapter. Such demonstration
5 projects shall be funded only by appropriations made for the
6 purpose of such demonstration projects. If funds are
7 appropriated for such demonstration projects, the department
8 shall submit to the general assembly a report on the significant
9 aspects and results of such demonstration projects;

10 (11) Early and periodic screening and diagnosis of
11 individuals who are under the age of twenty-one to ascertain
12 their physical or mental defects, and health care, treatment, and
13 other measures to correct or ameliorate defects and chronic
14 conditions discovered thereby. Such services shall be provided
15 in accordance with the provisions of section 6403 of P.L.53
16 101-239 and federal regulations promulgated thereunder;

17 (12) Home health care services;

18 (13) Optometric services as defined in section 336.010,
19 RSMo;

20 (14) Family planning as defined by federal rules and
21 regulations; provided, however, that such family planning
22 services shall not include abortions unless such abortions are
23 certified in writing by a physician to the Medicaid agency that,
24 in his professional judgment, the life of the mother would be
25 endangered if the fetus were carried to term;

1 (15) Orthopedic devices or other prosthetics, including eye
2 glasses, dentures, hearing aids, and wheelchairs;

3 (16) Inpatient psychiatric hospital services for
4 individuals under age twenty-one as defined in Title XIX of the
5 federal Social Security Act (42 U.S.C. 1396d, et seq.);

6 (17) Outpatient surgical procedures, including presurgical
7 diagnostic services performed in ambulatory surgical facilities
8 which are licensed by the department of health and senior
9 services of the state of Missouri; except, that such outpatient
10 surgical services shall not include persons who are eligible for
11 coverage under Part B of Title XVIII, Public Law 89-97, 1965
12 amendments to the federal Social Security Act, as amended, if
13 exclusion of such persons is permitted under Title XIX, Public
14 Law 89-97, 1965 amendments to the federal Social Security Act, as
15 amended;

16 (18) Personal care services which are medically oriented
17 tasks having to do with a person's physical requirements, as
18 opposed to housekeeping requirements, which enable a person to be
19 treated by his physician on an outpatient, rather than on an
20 inpatient or residential basis in a hospital, intermediate care
21 facility, or skilled nursing facility. Personal care services
22 shall be rendered by an individual not a member of the
23 recipient's family who is qualified to provide such services
24 where the services are prescribed by a physician in accordance
25 with a plan of treatment and are supervised by a licensed nurse.

1 Persons eligible to receive personal care services shall be those
2 persons who would otherwise require placement in a hospital,
3 intermediate care facility, or skilled nursing facility.

4 Benefits payable for personal care services shall not exceed for
5 any one recipient one hundred percent of the average statewide
6 charge for care and treatment in an intermediate care facility
7 for a comparable period of time;

8 (19) Mental health services. The state plan for providing
9 medical assistance under Title XIX of the Social Security Act, 42
10 U.S.C. 301, as amended, shall include the following mental health
11 services when such services are provided by community mental
12 health facilities operated by the department of mental health or
13 designated by the department of mental health as a community
14 mental health facility or as an alcohol and drug abuse facility,
15 or as an eligible system of care provider.

16 (a) The department of mental health shall establish by
17 administrative rule the definition and criteria for designation
18 as a community mental health facility and for designation as an
19 alcohol and drug abuse facility. Such mental health services
20 shall include:

21 [(a)] a. Outpatient mental health services including
22 preventive, diagnostic, therapeutic, rehabilitative, and
23 palliative interventions rendered to individuals in an individual
24 or group setting by a mental health professional in accordance
25 with a plan of treatment appropriately established, implemented,

1 monitored, and revised under the auspices of a therapeutic team
2 as a part of client services management;

3 [(b)] b. Clinic mental health services including
4 preventive, diagnostic, therapeutic, rehabilitative, and
5 palliative interventions rendered to individuals in an individual
6 or group setting by a mental health professional in accordance
7 with a plan of treatment appropriately established, implemented,
8 monitored, and revised under the auspices of a therapeutic team
9 as a part of client services management;

10 [(c)] c. Rehabilitative mental health and alcohol and drug
11 abuse services including preventive, diagnostic, therapeutic,
12 rehabilitative, and palliative interventions rendered to
13 individuals in an individual or group setting by a mental health
14 or alcohol and drug abuse professional in accordance with a plan
15 of treatment appropriately established, implemented, monitored,
16 and revised under the auspices of a therapeutic team as a part of
17 client services management. As used in this section, "mental
18 health professional" and "alcohol and drug abuse professional"
19 shall be defined by the department of mental health pursuant to
20 duly promulgated rules. With respect to services established by
21 this subdivision, the department of social services, division of
22 medical services, shall enter into an agreement with the
23 department of mental health. Matching funds for outpatient
24 mental health services, clinic mental health services, and
25 rehabilitation services for mental health and alcohol and drug

1 abuse shall be certified by the department of mental health to
2 the division of medical services. The agreement shall establish
3 a mechanism for the joint implementation of the provisions of
4 this subdivision. In addition, the agreement shall establish a
5 mechanism by which rates for services may be jointly developed.

6 (b) The department of mental health, in collaboration with
7 the division of medical services within the department of social
8 services, shall establish by rule the definition and criteria for
9 designation of a community-based service. Services to be made
10 available and easily accessible include intensive home-based
11 services, early intervention services, family support services,
12 respite services, and behavioral assistance services;

13 (20) Comprehensive day rehabilitation services beginning
14 early posttrauma as part of a coordinated system of care for
15 individuals with disabling impairments. Rehabilitation services
16 must be based on an individualized, goal-oriented, comprehensive
17 and coordinated treatment plan developed, implemented, and
18 monitored through an interdisciplinary assessment designed to
19 restore an individual to optimal level of physical, cognitive and
20 behavioral function. The division of medical services shall
21 establish by administrative rule the definition and criteria for
22 designation of a comprehensive day rehabilitation service
23 facility, benefit limitations and payment mechanism;

24 (21) Hospice care. As used in this subsection, the term
25 "hospice care" means a coordinated program of active professional

1 medical attention within a home, outpatient and inpatient care
2 which treats the terminally ill patient and family as a unit,
3 employing a medically directed interdisciplinary team. The
4 program provides relief of severe pain or other physical symptoms
5 and supportive care to meet the special needs arising out of
6 physical, psychological, spiritual, social and economic stresses
7 which are experienced during the final stages of illness, and
8 during dying and bereavement and meets the Medicare requirements
9 for participation as a hospice as are provided in 42 CFR Part
10 418. Beginning July 1, 1990, the rate of reimbursement paid by
11 the division of medical services to the hospice provider for room
12 and board furnished by a nursing home to an eligible hospice
13 patient shall not be less than ninety-five percent of the rate of
14 reimbursement which would have been paid for facility services in
15 that nursing home facility for that patient, in accordance with
16 subsection (c) of section 6408 of P.L. 101-239 (Omnibus Budget
17 Reconciliation Act of 1989);

18 (22) Such additional services as defined by the division of
19 medical services to be furnished under waivers of federal
20 statutory requirements as provided for and authorized by the
21 federal Social Security Act (42 U.S.C. 301, et seq.) subject to
22 appropriation by the general assembly;

23 (23) Beginning July 1, 1990, the services of a certified
24 pediatric or family nursing practitioner to the extent that such
25 services are provided in accordance with chapter 335, RSMo, and

1 regulations promulgated thereunder, regardless of whether the
2 nurse practitioner is supervised by or in association with a
3 physician or other health care provider;

4 (24) Subject to appropriations, the department of social
5 services shall conduct demonstration projects for nonemergency,
6 physician-prescribed transportation for pregnant women who are
7 recipients of medical assistance under this chapter in counties
8 selected by the director of the division of medical services.
9 The funds appropriated pursuant to this subdivision shall be used
10 for the purposes of this subdivision and for no other purpose.
11 The department shall not fund such demonstration projects with
12 revenues received for any other purpose. This subdivision shall
13 not authorize transportation of a pregnant woman in active labor.
14 The division of medical services shall notify recipients of
15 nonemergency transportation services under this subdivision of
16 such other transportation services which may be appropriate
17 during active labor or other medical emergency;

18 (25) Nursing home costs for recipients of benefit payments
19 under subdivision (4) of this subsection to reserve a bed for the
20 recipient in the nursing home during the time that the recipient
21 is absent due to admission to a hospital for services which
22 cannot be performed on an outpatient basis, subject to the
23 provisions of this subdivision:

24 (a) The provisions of this subdivision shall apply only if:

25 a. The occupancy rate of the nursing home is at or above

1 ninety-seven percent of Medicaid certified licensed beds,
2 according to the most recent quarterly census provided to the
3 division of aging which was taken prior to when the recipient is
4 admitted to the hospital; and

5 b. The patient is admitted to a hospital for a medical
6 condition with an anticipated stay of three days or less;

7 (b) The payment to be made under this subdivision shall be
8 provided for a maximum of three days per hospital stay;

9 (c) For each day that nursing home costs are paid on behalf
10 of a recipient pursuant to this subdivision during any period of
11 six consecutive months such recipient shall, during the same
12 period of six consecutive months, be ineligible for payment of
13 nursing home costs of two otherwise available temporary leave of
14 absence days provided under subdivision (5) of this subsection;
15 and

16 (d) The provisions of this subdivision shall not apply
17 unless the nursing home receives notice from the recipient or the
18 recipient's responsible party that the recipient intends to
19 return to the nursing home following the hospital stay. If the
20 nursing home receives such notification and all other provisions
21 of this subsection have been satisfied, the nursing home shall
22 provide notice to the recipient or the recipient's responsible
23 party prior to release of the reserved bed.

24 2. Benefit payments for medical assistance for surgery as
25 defined by rule duly promulgated by the division of medical

1 services, and any costs related directly thereto, shall be made
2 only when a second medical opinion by a licensed physician as to
3 the need for the surgery is obtained prior to the surgery being
4 performed.

5 3. The division of medical services may require any
6 recipient of medical assistance to pay part of the charge or
7 cost, as defined by rule duly promulgated by the division of
8 medical services, for dental services, drugs and medicines,
9 optometric services, eye glasses, dentures, hearing aids, and
10 other services, to the extent and in the manner authorized by
11 Title XIX of the federal Social Security Act (42 U.S.C. 1396, et
12 seq.) and regulations thereunder. When substitution of a generic
13 drug is permitted by the prescriber according to section 338.056,
14 RSMo, and a generic drug is substituted for a name brand drug,
15 the division of medical services may not lower or delete the
16 requirement to make a co-payment pursuant to regulations of Title
17 XIX of the federal Social Security Act. A provider of goods or
18 services described under this section must collect from all
19 recipients the partial payment that may be required by the
20 division of medical services under authority granted herein, if
21 the division exercises that authority, to remain eligible as a
22 provider. Any payments made by recipients under this section
23 shall be in addition to, and not in lieu of, any payments made by
24 the state for goods or services described herein.

25 4. The division of medical services shall have the right to

1 collect medication samples from recipients in order to maintain
2 program integrity.

3 5. Reimbursement for obstetrical and pediatric services
4 under subdivision (6) of subsection 1 of this section shall be
5 timely and sufficient to enlist enough health care providers so
6 that care and services are available under the state plan for
7 medical assistance at least to the extent that such care and
8 services are available to the general population in the
9 geographic area, as required under subparagraph (a)(30)(A) of 42
10 U.S.C. 1396a and federal regulations promulgated thereunder.

11 6. Beginning July 1, 1990, reimbursement for services
12 rendered in federally funded health centers shall be in
13 accordance with the provisions of subsection 6402(c) and section
14 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989)
15 and federal regulations promulgated thereunder.

16 7. Beginning July 1, 1990, the department of social
17 services shall provide notification and referral of children
18 below age five, and pregnant, breast-feeding, or postpartum women
19 who are determined to be eligible for medical assistance under
20 section 208.151 to the special supplemental food programs for
21 women, infants and children administered by the department of
22 health and senior services. Such notification and referral shall
23 conform to the requirements of section 6406 of P.L. 101-239 and
24 regulations promulgated thereunder.

25 8. Providers of long-term care services shall be reimbursed

1 for their costs in accordance with the provisions of section 1902
2 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as
3 amended, and regulations promulgated thereunder.

4 9. Reimbursement rates to long-term care providers with
5 respect to a total change in ownership, at arm's length, for any
6 facility previously licensed and certified for participation in
7 the Medicaid program shall not increase payments in excess of the
8 increase that would result from the application of section 1902
9 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a
10 (a)(13)(C).

11 10. The department of social services, division of medical
12 services, may enroll qualified residential care facilities, as
13 defined in chapter 198, RSMo, as Medicaid personal care
14 providers.

15 208.204. 1. The division of medical services may
16 administer the funds appropriated to the department of social
17 services or any division of the department for payment of medical
18 care provided to children in the legal custody of the department
19 of social services or any division of the department.

20 2. The department of social services shall review all cases
21 of children in their custody to determine which cases involve
22 children in the system due exclusively to a need for mental
23 health services, and identify the cases where no instance of
24 abuse, neglect, or abandonment exists.

25 3. Children identified under subsection 2 of this section

1 may be returned by the judge to the custody of the child's
2 family. Subject to appropriations, the department of mental
3 health shall have the responsibility of providing the necessary
4 services for such children in the least restrictive appropriate
5 environment, including home- and community-based services,
6 treatment, and support, based on a coordinated individualized
7 treatment plan.

8 4. When children are returned to their family's custody and
9 become the service responsibility of the department of mental
10 health, the appropriate moneys to provide for the care of each
11 child in such situation shall be transferred, subject to
12 appropriation, from the department of social services to the
13 department of mental health.

14 210.025. 1. To qualify for receipt of state or federal
15 funds for providing child-care services in the home either by
16 direct payment or through reimbursement to a child-care
17 beneficiary, an applicant and any person over the age of eighteen
18 who is living in the applicant's home shall be required to submit
19 to a criminal background check pursuant to section 43.540, RSMo,
20 and a check of the central registry for child abuse established
21 in section 210.145. Effective January 1, 2001, the requirements
22 of this subsection or subsection 2 of this section shall be
23 satisfied through registration with the family care safety
24 registry established in sections 210.900 to 210.936. Any costs
25 associated with such checks shall be paid by the applicant.

1 2. Upon receipt of an application for state or federal
2 funds for providing child-care services in the home, the division
3 of family services shall:

4 (1) Determine if a [probable cause] finding of child abuse
5 or neglect by a preponderance of the evidence involving the
6 applicant or any person over the age of eighteen who is living in
7 the applicant's home has been recorded pursuant to section
8 210.221 or 210.145;

9 (2) Determine if the applicant or any person over the age
10 of eighteen who is living in the applicant's home has been
11 refused licensure or has experienced licensure suspension or
12 revocation pursuant to section 210.221 or 210.496; and

13 (3) Request a criminal background check of the applicant
14 and any person over the age of eighteen who is living in the
15 applicant's home pursuant to section 43.540, RSMo.

16 3. Except as otherwise provided in subsection 4 of this
17 section, upon completion of the background checks in subsection 2
18 of this section, an applicant shall be denied state or federal
19 funds for providing child care if such applicant or any person
20 over the age of eighteen who is living in the applicant's home:

21 (1) Has had a [probable cause] finding of child abuse or
22 neglect by a preponderance of the evidence pursuant to section
23 210.145;

24 (2) Has been refused licensure or has experienced licensure
25 suspension or revocation pursuant to section 210.496;

1 (3) Has pled guilty or nolo contendere to or been found
2 guilty of any felony for an offense against the person as defined
3 by chapter 565, RSMo, or any other offense against the person
4 involving the endangerment of a child as prescribed by law; of
5 any misdemeanor or felony for a sexual offense as defined by
6 chapter 566, RSMo; of any misdemeanor or felony for an offense
7 against the family as defined in chapter 568, RSMo, with the
8 exception of the sale of fireworks, as defined in section
9 320.110, RSMo, to a child under the age of eighteen; of any
10 misdemeanor or felony for pornography or related offense as
11 defined by chapter 573, RSMo; or of any similar crime in any
12 federal, state, municipal or other court of similar jurisdiction
13 of which the director has knowledge or any offenses or reports
14 which will disqualify an applicant from receiving state or
15 federal funds.

16 4. An applicant shall be given an opportunity by the
17 division to offer any extenuating or mitigating circumstances
18 regarding the findings, refusals or violations against such
19 applicant or any person over the age of eighteen who is living in
20 the applicant's home listed in subsection 2 of this section.
21 Such extenuating and mitigating circumstances may be considered
22 by the division in its determination of whether to permit such
23 applicant to receive state or federal funds for providing child
24 care in the home.

25 5. An applicant who has been denied state or federal funds

1 for providing child care in the home may appeal such denial
2 decision in accordance with the provisions of section 208.080,
3 RSMo.

4 6. If an applicant is denied state or federal funds for
5 providing child care in the home based on the background check
6 results for any person over the age of eighteen who is living in
7 the applicant's home, the applicant shall not apply for such
8 funds until such person is no longer living in the applicant's
9 home.

10 7. Any rule or portion of a rule, as that term is defined
11 in section 536.010, RSMo, that is created under the authority
12 delegated in this section shall become effective only if it
13 complies with and is subject to all of the provisions of chapter
14 536, RSMo, and, if applicable, section 536.028, RSMo. All
15 rulemaking authority delegated prior to August 28, 1999, is of no
16 force and effect and repealed. Nothing in this section shall be
17 interpreted to repeal or affect the validity of any rule filed or
18 adopted prior to August 28, 1999, if it fully complied with all
19 applicable provisions of law. This section and chapter 536,
20 RSMo, are nonseverable and if any of the powers vested with the
21 general assembly pursuant to chapter 536, RSMo, to review, to
22 delay the effective date or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 1999,
25 shall be invalid and void.

1 210.109. 1. The division of family services shall
2 establish a child protection system for the entire state.

3 2. The child protection system shall [seek to] promote the
4 safety of children and the integrity and preservation of their
5 families by conducting investigations or family assessments and
6 providing services in response to reports of child abuse or
7 neglect. The system shall [endeavor to] coordinate community
8 resources and provide assistance or services to children and
9 families identified to be at risk, and to prevent and remedy
10 child abuse and neglect.

11 3. In addition to any duties specified in section 210.145,
12 in implementing the child protection system, the division shall:

13 (1) Maintain a central registry;

14 (2) Receive reports and establish and maintain an
15 information system operating at all times, capable of receiving
16 and maintaining reports;

17 (3) Attempt to obtain the name and address of any person
18 making a report in all cases, after obtaining relevant
19 information regarding the alleged abuse or neglect, although
20 reports may be made anonymously;

21 (4) Upon receipt of a report, check with the information
22 system to determine whether previous reports have been made
23 regarding actual or suspected abuse or neglect of the subject
24 child, of any siblings, and the perpetrator, and relevant
25 dispositional information regarding such previous reports;

1 (5) Provide protective or preventive services to the family
2 and child and to others in the home to prevent abuse or neglect,
3 to safeguard their health and welfare, and to help preserve and
4 stabilize the family whenever possible. The juvenile court shall
5 cooperate with the division in providing such services;

6 (6) Collaborate with the community to identify
7 comprehensive local services and assure access to those services
8 for children and families where there is risk of abuse or
9 neglect;

10 (7) Maintain a record which contains the facts ascertained
11 which support the determination as well as the facts that do not
12 support the determination;

13 (8) Whenever available and appropriate, contract for the
14 provision of children's services through private children's
15 services providers and agencies in the community; except that the
16 state shall be the sole provider of child abuse and neglect
17 hotline services, the initial child abuse and neglect
18 investigation, and the initial family assessment. The state
19 shall be responsible for representation to the court for children
20 in the custody of the division, but the division may contract for
21 such services.

22 As used in this subsection, "report" includes any telephone call
23 made pursuant to section 210.145.

24 4. By January 1, 1998, the division of family services

1 shall submit documentation to the speaker of the house of
2 representatives and the president pro tem of the senate on the
3 success or failure of the child protection system established in
4 this section. The general assembly may recommend statewide
5 implementation or cancellation of the child protection system
6 based on the success or failure of the system established in this
7 section.

8 5. The documentation required by subsection 4 of this
9 section shall include an independent evaluation of the child
10 protection system completed according to accepted, objective
11 research principles.

12 210.110. As used in sections 210.109 to 210.165, and
13 sections 210.180 to 210.183, the following terms mean:

14 (1) "Abuse", any physical injury, sexual abuse, or
15 emotional abuse inflicted on a child other than by accidental
16 means by those responsible for the child's care, custody, and
17 control, except that discipline including spanking, administered
18 in a reasonable manner, shall not be construed to be abuse;

19 (2) "Central registry", a registry of persons where the
20 division has found [probable cause to believe] by a preponderance
21 of the evidence or a court has substantiated through court
22 adjudication that the individual has committed child abuse or
23 neglect or the person has pled guilty or has been found guilty of
24 a crime pursuant to section 565.020, 565.021, 565.023, 565.024 or
25 565.050, RSMo, if the victim is a child less than eighteen years

1 of age, section 566.030 or 566.060, RSMo, if the victim is a
2 child less than eighteen years of age, or other crime pursuant to
3 chapter 566, RSMo, if the victim is a child less than eighteen
4 years of age and the perpetrator is twenty-one years of age or
5 older, section 567.050, RSMo, if the victim is a child less than
6 eighteen years of age, section 568.020, 568.030, 568.045,
7 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or
8 573.035, RSMo, or an attempt to commit any such crimes;

9 (3) "Child", any person, regardless of physical or mental
10 condition, under eighteen years of age;

11 (4) "Children's services providers and agencies", any
12 public or private entity with the appropriate and relevant
13 training and expertise in delivering services to children and
14 their families, and capable of providing direct services and
15 other family services for children in the custody of the division
16 of family services;

17 (5) "Director", the director of the Missouri division of
18 family services;

19 [(5)] (6) "Division", the Missouri division of family
20 services;

21 [(6)] (7) "Family assessment and services", an approach to
22 be developed by the division of family services which will
23 provide for a prompt assessment of a child who has been reported
24 to the division as a victim of abuse or neglect by a person
25 responsible for that child's care, custody or control and of that

1 child's family, including risk of abuse and neglect and, if
2 necessary, the provision of community-based services to reduce
3 the risk and support the family;

4 [(7)] (8) "Investigation", the collection of physical and
5 verbal evidence to determine if a child has been abused or
6 neglected;

7 [(8)] (9) "Jail or detention center personnel", employees
8 and volunteers working in any premises or institution where
9 incarceration, evaluation, care, treatment or rehabilitation is
10 provided to persons who are being held under custody of the law;

11 [(9)] (10) "Neglect", failure to provide, by those
12 responsible for the care, custody, and control of the child, the
13 proper or necessary support, education as required by law,
14 nutrition or medical, surgical, or any other care necessary for
15 the child's well-being;

16 [(10) "Probable cause", available facts when viewed in the
17 light of surrounding circumstances which would cause a reasonable
18 person to believe a child was abused or neglected;]

19 (11) "Preponderance of the evidence", that degree of
20 evidence that is of greater weight or more convincing than the
21 evidence which is offered in opposition to it or evidence which
22 as a whole shows the fact to be proved to be more probable than
23 not;

24 (12) "Report", the communication of an allegation of child
25 abuse or neglect to the division pursuant to section 210.115;

1 [(12)] (13) "Those responsible for the care, custody, and
2 control of the child", those included but not limited to the
3 parents or guardian of a child, other members of the child's
4 household, or those exercising supervision over a child for any
5 part of a twenty-four-hour day. Those responsible for the care,
6 custody and control shall also include any adult who, based on
7 relationship to the parents of the child, members of the child's
8 household or the family, has access to the child.

9 210.111. By January 1, 2004, the division of family
10 services, or its successor division, shall identify all children
11 in the custody of the division currently receiving foster care
12 services and shall report to the general assembly the type of
13 foster care being provided, including but not limited to care
14 provided in a licensed foster care home, institutional setting,
15 residential setting, independent living setting, or kinship care
16 setting, and the status of all such children. Nothing in this
17 section shall be construed as requiring the division to disclose
18 the identity or precise location of any child in the custody of
19 the division.

20 210.112. 1. It is the policy of this state and its
21 agencies to implement a foster care and child protection and
22 welfare system focused on providing the highest quality of
23 services and outcomes for children and their families. The
24 department of social services shall implement such system subject
25 to the following principles:

1 (1) The safety and welfare of children is paramount;

2 (2) Services shall be provided on a competitive basis where
3 public and private providers of direct services to children and
4 their families will be evaluated in a uniform and consistent
5 basis;

6 (3) Services to children and their families shall be
7 provided in a timely manner to maximize the opportunity for
8 successful outcomes; and

9 (4) Any provider of direct services to children and
10 families shall have the appropriate training, education, and
11 competencies to provide the highest quality of services possible.

12 2. On or before July 1, 2004, the division of family
13 services or its successor division, the courts in the designated
14 areas of the pilot project, and any other state agency deemed
15 necessary by the division and the courts shall, in consultation
16 with the community and providers of services in the pilot project
17 areas, implement a two-year pilot project in Greene County, the
18 city of St. Louis, and a rural county in this state selected by
19 the division which will provide a comprehensive and deliberate
20 system of service delivery for all children and their families
21 when children are in the custody of the division. In
22 implementing the pilot project, direct services for children and
23 their families currently provided by the division of family
24 services in Greene County, the city of St. Louis, and the
25 selected rural county, except for services related to the child

1 abuse and neglect hotline, investigations of alleged child abuse
2 and neglect, and initial family assessments, shall be contracted
3 for by a competitive bid process and provided by public and
4 private not-for-profit children's services providers and agencies
5 which have:

6 (1) A license or appropriate accreditation; or

7 (2) A proven record of providing child welfare services
8 within the state of Missouri; or

9 (3) The ability to provide a range of child welfare
10 services, which may include case management services, family-
11 centered services, foster and adoptive parent recruitment and
12 retention, residential care, mentoring, intensive in-home
13 services, foster care services, adoption services, relative care
14 case management, independent living services, and family
15 reunification services.

16 Such children's services providers and agencies under contract
17 with the division shall be subject to all federal, state, and
18 local laws and regulations relating to the provision of such
19 services.

20 3. By February 1, 2004, each county or city participating
21 in the pilot project shall submit a plan for the implementation
22 of the pilot project, including but not limited to the following:

23 (1) A timetable for meeting the county's or city's goal for
24 privatization cases;

1 (2) A plan for implementing the competitive bid process;
2 and

3 (3) The criteria to be used for payment of children's
4 services contracts.

5 The plan shall be developed by a committee of no more than
6 fifteen members in each county or city participating in the pilot
7 project, including but not limited to the following: a
8 representative or representatives from the local division of
9 family services; a representative or representatives from private
10 agencies; a representative or representatives from the judicial
11 circuit in which the county or city is located; a representative
12 or representatives from child advocacy groups; an attorney
13 representing the interest of the parents; a volunteer advocate or
14 advocates and/or guardian or guardians ad litem; a representative
15 from the department of mental health; a representative or
16 representatives from community partnership agencies; and one
17 other appropriate community representative. In addition, each
18 committee shall also include two members of the senate, with one
19 member appointed by the president pro tem of the senate and one
20 member appointed by the minority floor leader of the senate, and
21 two members of the house or representatives, with one member
22 appointed by the speaker of the house and one member appointed by
23 the minority floor leader of the house.

24 4. The pilot project shall have the following criteria:

1 (1) Child welfare services shall be delivered to a child
2 and the child's family by professionals who have substantial
3 training, education, or competencies otherwise demonstrated in
4 the area of children and family services;

5 (2) Children's services providers and agencies shall be
6 evaluated by the division and the courts based on objective,
7 consistent, and performance-based criteria;

8 (3) Any case management services provided shall be subject
9 to a case management plan established pursuant to subsection 4 of
10 this section which is consistent with all relevant federal
11 guidelines. The case management plan shall focus on attaining
12 permanency in children's living conditions to the greatest extent
13 possible and shall include concurrent planning and independent
14 living where appropriate in accordance with the best interests of
15 each child served and considering relevant factors applicable to
16 each individual case as provided by law, including:

17 (a) The interaction and interrelationship of a child with
18 the child's foster parents, biological parents, siblings, and any
19 other person who may significantly affect the child's best
20 interests;

21 (b) A child's adjustment to his or her foster home, school,
22 and community;

23 (c) The mental and physical health of all individuals
24 involved, including any history of abuse of or by any individuals
25 involved; and

1 (d) The needs of the child for a continuing relationship
2 with the child's biological parents and the ability and
3 willingness of the child's biological parents to actively perform
4 their functions as parents with regard to the needs of the child;

5 (4) The delivery system shall have sufficient flexibility
6 to take into account children and families on a case-by-case
7 basis;

8 (5) The highest quality of services possible shall be
9 achieved through a system of incentives for reaching and
10 exceeding clearly defined goals and outcome measures; and

11 (6) The delivery system shall provide a mechanism for the
12 assessment of strategies to work with children and families
13 immediately upon entry into the system to maximize permanency and
14 successful outcome in the shortest time possible and shall
15 include concurrent planning. Outcome measures for private and
16 public agencies shall be equal for each program.

17 5. For the pilot project areas, a case management plan
18 consistent with all relevant federal guidelines shall be
19 developed for each child at the earliest time after the initial
20 investigation, but in no event longer than fourteen days after
21 the initial investigation. Such case management plan shall be
22 presented to the court and be the foundation of service delivery
23 to the child and family. The case management plan shall, at a
24 minimum, include:

25 (1) An outcome target based on the child and family

1 situation achieving permanency or independent living, where
2 appropriate;

3 (2) Services authorized and necessary to facilitate the
4 outcome target;

5 (3) Timeframes in which services will be delivered; and

6 (4) Necessary evaluations and reporting.

7 In addition to any visits and assessments required under case
8 management, services to be provided by a public or private
9 children's services provider under the specific case management
10 plan may include family-centered services, foster and adoptive
11 parent recruitment and retention, residential care, mentoring,
12 intensive in-home services, foster care services, adoption
13 services, relative care case services, independent living
14 services, and family reunification services. In all cases, an
15 appropriate level of services shall be provided to the child and
16 family after permanency is achieved to assure a continued
17 successful outcome.

18 6. On or before July 15, 2005, and each July fifteenth
19 thereafter that the project is in operation, the division, in
20 collaboration with the courts in the designated pilot project
21 areas, shall submit a report to the general assembly which shall
22 include:

23 (1) Details about the specifics of the pilot project in
24 each of the three designated areas, including the number of

1 children and families served in each of the three designated
2 areas of the pilot project, the cost to the state for contracting
3 such services, the current status of the children and families
4 served, an assessment of the quality of services provided and
5 outcomes achieved, and an overall evaluation of the project; and

6 (2) Any recommendations regarding the continuation or
7 possible statewide implementation of such project; and

8 (3) Any information or recommendations directly related to
9 the provision of direct services for children and their families
10 that any of the contracting children's services providers and
11 agencies request to have included in the report.

12 7. The division of family services may promulgate rules to
13 implement the provisions of this section. No rule or portion of
14 a rule promulgated pursuant to the authority of this section
15 shall become effective unless it has been promulgated pursuant to
16 chapter 536, RSMo.

17 8. The provisions of this section shall expire on June 30,
18 2005.

19 210.145. 1. The division shall [establish and] develop
20 protocols which give priority to:

21 (1) Ensuring the well-being and safety of the child in
22 instances where child abuse or neglect has been alleged;

23 (2) Provide due process for those accused of child abuse or
24 neglect; and

25 (3) Maintain an information system operating at all times,

1 capable of receiving and maintaining reports. This information
2 system may include the establishment of a "child well-being"
3 hotline to receive reports that do not rise to the level of abuse
4 or neglect, but include cases which could be referred to local
5 division contracted providers for follow-up services and other
6 assistance. This information system shall have the ability to
7 receive reports over a [single,] statewide toll-free number.

8 Such information system shall maintain the results of all
9 investigations, family assessments and services, and other
10 relevant information.

11 2. Upon receipt of a report, the division shall immediately
12 [communicate such report to its appropriate local office and any
13 relevant information as may be contained in the information
14 system.] classify the reported incident of child abuse or neglect
15 into one of three categories:

16 (1) Class I: alleged incidents which indicate the need for
17 an emergency preliminary investigation;

18 (2) Class II: alleged incidents which warrant a central
19 registry investigation; and

20 (3) Class III: alleged incidents for which summary closure
21 is appropriate.

22 The division shall conduct an intake assessment to determine
23 whether an alleged incident of child abuse, if true, indicates
24 the child is in danger of death, sexual abuse, or serious

1 physical harm. If the report indicates the child is in danger of
2 death, sexual abuse, or serious physical harm, the division shall
3 immediately communicate such report to its appropriate local
4 office together with any class I or class II information which
5 may be contained in the information system. The local office
6 shall immediately begin an emergency preliminary investigation of
7 the alleged incident.

8 3. For all reports received that require an investigation
9 by the division, the division shall utilize the structured
10 decision-making (SDM) model for child protective services which
11 includes a response priority and a standard child safety protocol
12 and assessment to evaluate and determine the immediate danger of
13 severe harm, determine interventions to provide protection, and
14 establish criteria for emergency removal. All court personnel,
15 guardians ad litem, court-appointed special advocates, and judges
16 shall be trained on the SDM model and assessment instruments.

17 4. An emergency preliminary investigation shall be
18 conducted by the local office and shall include direct
19 observations of the subject child within twenty-four hours of the
20 receipt of the report. If necessary, local law enforcement shall
21 take all necessary steps to facilitate such direct observation.
22 If a parent having legal custody of the child or a legal guardian
23 of the child is not the alleged abuser, the parent or legal
24 guardian of the child shall be notified prior to the child being
25 interviewed. Such parent or legal guardian, if immediately

1 available, may attend the interview either personally or
2 telephonically and through the parent's attorney. The division
3 shall develop interview protocols to be followed by the division
4 and the local office whenever interviewing children and shall
5 promulgate such protocols as rules pursuant to the provisions of
6 section 207.021, RSMo, and chapter 536, RSMo. The division shall
7 not meet with the child in any residence or building where abuse
8 of such child is alleged to have occurred. When the child is
9 reported absent from the residence, the location and the well-
10 being of the child shall be verified.

11 5. If at any time during an emergency preliminary
12 investigation the local office determines that probable cause
13 does not exist that the child is in danger of death, sexual
14 abuse, or serious physical harm, the emergency preliminary
15 investigation shall be terminated and the local division staff
16 shall determine, through the use of protocols developed by the
17 division, whether [an] a central registry investigation, summary
18 closure, or the family assessment and services approach should be
19 used to respond to the allegation. [The protocols developed by
20 the division shall give priority to ensuring the well-being and
21 safety of the child.]

22 [3.] 6. Upon the division's referral of an emergency
23 preliminary investigation to the local office, the local office
24 shall contact the appropriate law enforcement agency immediately
25 upon receipt of a report which [division personnel determine

merits an investigation, or, which], if true, would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to commit any such crimes. The local office shall provide such agency with a detailed description of the report received. [In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint.] When requested by the division, the appropriate law enforcement agency shall [either] assist the division in the investigation [or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist]. No statement obtained by the division during the course of an emergency preliminary investigation may be used in any central registry investigation unless the interview is videotape or audiotape recorded in its entirety.

7. At any time during an intake assessment, a preliminary

1 investigation, a central registry investigation, or family
2 assessment and services approach the division or the local office
3 may determine that summary case closure is appropriate. If the
4 division determines that neither division or local office
5 intervention is appropriate, the reasons for not assigning the
6 case for emergency preliminary investigation, central registry
7 investigation, or family assessment shall be clearly documented
8 in writing on the intake documents and signed by a division
9 supervisor. Circumstances for which continued investigation is
10 not warranted include the following:

11 (1) The allegation is essentially the same incident of
12 child abuse or neglect which has already been reported or
13 assigned for investigation;

14 (2) The allegation does not meet the definition of child
15 abuse or neglect;

16 (3) The allegation arises from a reporter who is reporting
17 speculation or information from second- or third-hand sources
18 which is vague or insufficient, or the reporter is unable to
19 articulate any basis in fact for the suspicion;

20 (4) The reporter is unreliable or not credible due to the
21 reporter's prior history of repeatedly making false or
22 questionable reports, or due to the allegation's lack of
23 substance and the apparent color of self interest on the part of
24 the reporter;

25 (5) The reporter withdraws the allegations before the

1 investigation begins based on new information and there is
2 insufficient reason to proceed; or

3 (6) The division lacks jurisdiction to investigate the
4 matter.

5 If after the intake assessment the division determines that
6 neither an emergency preliminary investigation or a summary case
7 closure is appropriate, the division shall communicate such
8 report to its appropriate local office and any relevant
9 information as may be contained in the information system for a
10 central registry investigation or family assessment and services
11 approach.

12 [4.] 8. Upon referral of an incident report for a central
13 registry investigation or family assessment and services
14 approach, the division shall immediately communicate such report
15 to its appropriate local office together with any class I
16 information which may be contained in the information system.

17 The local office of the division shall cause [an] a central
18 registry investigation or family assessment and services approach
19 to be initiated [immediately or no later than within twenty-four]
20 within forty-eight hours of receipt of the report from the
21 division, except in cases where the sole basis for the report is
22 educational neglect. If the report indicates that educational
23 neglect is the only complaint and there is no suspicion of other
24 neglect or abuse, the investigation shall be initiated within

1 seventy-two hours of receipt of the report. [If the report
2 indicates the child is in danger of serious physical harm or
3 threat to life,] An investigation shall include direct
4 observation of the subject child [within twenty-four hours of the
5 receipt of the report]. If necessary, local law enforcement
6 shall take all necessary steps to facilitate such direct
7 observation. Any interview of an alleged victim of child abuse
8 or neglect by the division or any member of the interdisciplinary
9 team shall be audiotape or videotape recorded in its entirety, or
10 shall be conducted in the presence of a third party who can
11 testify at any administrative or court proceeding as to what
12 transpired at such interrogation or interview. The division
13 shall develop interview protocols to be followed by the division
14 and the local office whenever interviewing children and shall
15 promulgate such protocols as rules pursuant to the provisions of
16 section 207.021, RSMo, and chapter 536, RSMo. If the parents of
17 the child are not the alleged abusers, the parents of the child
18 must be notified prior to the child being interviewed by the
19 division. The division shall not meet with the child in any
20 [location] residence or building where abuse of such child is
21 alleged to have occurred. When the child is reported absent from
22 the residence, the location and the well-being of the child shall
23 be verified. The division or the local office shall commence an
24 immediate emergency preliminary investigation if at any time
25 during the central registry investigation it is determined the

1 child is in danger of death, sexual abuse, or serious physical
2 harm. The division staff who conduct the central registry
3 investigation may remain involved in the emergency preliminary
4 investigation of the child and family.

5 [5.] 9. The director of the division shall name at least
6 one chief investigator for each local division office, who shall
7 direct the division response on any case involving a second or
8 subsequent incident regarding the same subject child or
9 perpetrator. The duties of a chief investigator shall include
10 verification of direct observation of the subject child by the
11 division and shall ensure information regarding the status of an
12 investigation is provided to the public school district liaison.
13 The public school district liaison shall develop protocol in
14 conjunction with the chief investigator to ensure information
15 regarding an investigation is shared with appropriate school
16 personnel. The superintendent of each school district shall
17 designate a specific person or persons to act as the public
18 school district liaison. Should the subject child attend a
19 nonpublic school the chief investigator shall notify the school
20 principal of the investigation. Upon notification of an
21 investigation, all information received by the public school
22 district liaison or the school shall be subject to the provisions
23 of the federal Family Educational Rights and Privacy Act (FERPA),
24 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

25 [6.] 10. The emergency preliminary investigation or central

1 registry investigation shall include but not be limited to the
2 nature, extent, and cause of the abuse or neglect; the identity
3 and age of the person responsible for the abuse or neglect; the
4 names and conditions of other children in the home, if any; the
5 home environment and the relationship of the subject child to the
6 parents or other persons responsible for the child's care; any
7 indication of incidents of physical violence against any other
8 household or family member; and other pertinent data.

9 [7.] 11. When a report has been made by a person required
10 to report under section 210.115, the division shall contact the
11 person who made such report within forty-eight hours of the
12 receipt of the report in emergency preliminary investigations and
13 within seventy-two hours in central registry investigations in
14 order to ensure that full information has been received and to
15 obtain any additional information or medical records, or both,
16 that may be pertinent.

17 [8.] 12. Upon completion of the emergency preliminary
18 investigation or central registry investigation, if the division
19 suspects that the report was made maliciously or for the purpose
20 of harassment, the division shall refer the report and any
21 evidence of malice or harassment to the local prosecuting or
22 circuit attorney.

23 13. Emergency child protection teams shall be used whenever
24 conducting an emergency preliminary investigation. Emergency
25 child protection teams shall consist of designated division local

1 office personnel, the juvenile officer and, if necessary to
2 facilitate direct observation of the allegedly abused child,
3 local law enforcement.

4 [9.] 14. Multidisciplinary teams [shall] may be used
5 whenever conducting the central registry investigation as
6 determined by the division in conjunction with local law
7 enforcement. Multidisciplinary teams shall be used in providing
8 protective or preventive social services, including the services
9 of law enforcement, a liaison of the local public school, the
10 juvenile officer, the juvenile court, and other agencies, both
11 public and private.

12 [10.] 15. If the appropriate local division personnel
13 determine after an emergency preliminary investigation or central
14 registry investigation has begun that [completing] continuing an
15 investigation to completion is not appropriate, the division
16 shall summarily close the case or conduct a family assessment and
17 services approach. The division shall provide written
18 notification to local law enforcement prior to terminating any
19 investigative process. The reason for the termination of the
20 investigative process shall be documented in the record of the
21 division and the written notification submitted to local law
22 enforcement. Such notification shall not preclude nor prevent
23 any investigation by law enforcement.

24 [11.] 16. If the appropriate local division personnel
25 determines to use a family assessment and services approach, the

1 division shall:

2 (1) Assess any service needs of the family. The assessment
3 of risk and service needs shall be based on information gathered
4 from the family and other sources;

5 (2) Provide services which are voluntary and time-limited
6 unless it is determined by the division based on the assessment
7 of risk that there will be a high risk of abuse or neglect if the
8 family refuses to accept the services. The division shall
9 identify services for families where it is determined that the
10 child is at high risk of future abuse or neglect. The division
11 shall thoroughly document in the record its attempt to provide
12 voluntary services and the reasons these services are important
13 to reduce the risk of future abuse or neglect to the child. If
14 the family continues to refuse voluntary services or the child
15 needs to be protected, the division may commence an
16 investigation;

17 (3) Commence an immediate emergency preliminary
18 investigation if at any time during the family assessment and
19 services approach the division determines that an emergency
20 preliminary investigation, as delineated in subsections 2 to 13
21 of this section, is required, or commence an immediate central
22 registry investigation if at any time during the family
23 assessment and services approach the division determines that
24 [an] a central registry investigation, as delineated in [sections
25 210.109 to 210.183] subsections 2 to 13 of this section, is

1 required. The division staff who have conducted the assessment
2 may remain involved in the provision of services to the child and
3 family; and

4 (4) Document at the time the case is closed, the outcome of
5 the family assessment and services approach, any service provided
6 and the removal of risk to the child, if it existed.

7 17. For all family assessment team meetings and other team
8 meetings involving an alleged victim of child abuse or neglect,
9 the biological parents, legal counsel for the biological parents,
10 foster parents, the guardian ad litem for the child, and the
11 court-appointed special advocate for the child shall be provided
12 notice and be permitted to attend all such meetings. In
13 addition, the biological parents, the legal counsel for the
14 biological parents, and the foster parents may request that other
15 individuals be permitted to attend such meetings. Once a person
16 is provided notice of or attends such meetings, the division
17 shall provide such persons with notice of all such subsequent
18 meetings involving the child.

19 [12.] 18. Within thirty days of an oral report of abuse or
20 neglect, the local office shall update the information in the
21 information system. The information system shall contain, at a
22 minimum, the determination made by the division as a result of
23 the investigation, identifying information on the subjects of the
24 report, those responsible for the care of the subject child and
25 other relevant dispositional information. The division shall

1 complete all investigations within thirty days, unless good cause
2 for the failure to complete the investigation is documented in
3 the information system. If the investigation is not completed
4 within thirty days, the information system shall be updated at
5 regular intervals and upon the completion of the investigation.
6 The information in the information system shall be updated to
7 reflect any subsequent findings, including any changes to the
8 findings based on an administrative or judicial hearing on the
9 matter.

10 [13.] 19. A person required to report under section 210.115
11 to the division shall be informed by the division of his right to
12 obtain information concerning the disposition of his or her
13 report. Such person shall receive, from the local office, if
14 requested, information on the general disposition of his or her
15 report. A person required to report to the division pursuant to
16 section 210.115 may receive, if requested, findings and
17 information concerning the case. Such release of information
18 shall be at the discretion of the director based upon a review of
19 the mandated reporter's ability to assist in protecting the child
20 or the potential harm to the child or other children within the
21 family. The local office shall respond to the request within
22 forty-five days. The findings shall be made available to the
23 mandated reporter within five days of the outcome of the
24 investigation.

25 [14.] 20. In any judicial proceeding involving the custody

1 of a child the fact that a report may have been made pursuant to
2 sections 210.109 to 210.183 shall not be admissible. However,
3 nothing in this subsection shall prohibit the introduction of
4 evidence from independent sources to support the allegations that
5 may have caused a report to have been made.

6 [15.] 21. In any judicial proceeding involving the custody
7 of a child where the court determines that the child is in need
8 of services pursuant to subdivision (d) of subsection 1 of
9 section 211.031, RSMo, and has taken jurisdiction, the child's
10 parent, guardian or custodian shall not be entered into the
11 registry.

12 [16.] 22. The division of family services is hereby granted
13 the authority to promulgate rules and regulations pursuant to the
14 provisions of section 207.021, RSMo, and chapter 536, RSMo, to
15 carry out the provisions of sections 210.109 to 210.183.

16 [17.] 23. Any rule or portion of a rule, as that term is
17 defined in section 536.010, RSMo, that is created under the
18 authority delegated in this section shall become effective only
19 if it complies with and is subject to all of the provisions of
20 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
21 This section and chapter 536, RSMo, are nonseverable and if any
22 of the powers vested with the general assembly pursuant to
23 chapter 536, RSMo, to review, to delay the effective date or to
24 disapprove and annul a rule are subsequently held
25 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after August 28, 2000, shall be invalid
2 and void.

3 210.147. Except as otherwise provided by law, all
4 information provided at any meeting or hearing held in relation
5 to the removal of a child from the child's home is confidential;
6 except that:

7 (1) Any parent or party may waive confidentiality for
8 himself or herself; and

9 (2) No person shall be required to sign a confidentiality
10 agreement before testifying or providing information at such
11 meetings or hearing. However, any person who does not agree to
12 maintain confidentiality of the information provided at such
13 meetings or hearings may be excluded from all or any portion of
14 such meetings or hearings during which the person is not
15 testifying or providing information.

16 210.152. 1. All identifying information, including
17 telephone reports reported pursuant to section 210.145, relating
18 to reports of abuse or neglect received by the division shall be
19 retained by the division and removed from the records of the
20 division as follows:

21 (1) For investigation reports contained in the central
22 registry, identifying information shall be retained by the
23 division;

24 (2) For investigation reports initiated by a person
25 required to report pursuant to section 210.115, where

1 insufficient evidence of abuse or neglect is found by the
2 division, identifying information shall be retained for [ten]
3 five years from the date of the report; except that, for class
4 III information under subsection 2 of section 210.145, no
5 identifying information shall be retained by the division. For
6 all other investigation reports where insufficient evidence of
7 abuse or neglect is found by the division, identifying
8 information shall be retained for two years from the date of the
9 report; except that, for class III information under subsection 2
10 of section 210.145, no identifying information shall be retained
11 by the division. Such report shall include any exculpatory
12 evidence known by the division, including exculpatory evidence
13 obtained after the closing of the case. At the end of such
14 two-year period, the identifying information shall be removed
15 from the records of the division and destroyed;

16 (3) For reports where the division uses the family
17 assessment and services approach, identifying information shall
18 be retained by the division;

19 (4) For reports in which the division is unable to locate
20 the child alleged to have been abused or neglected, identifying
21 information shall be retained for ten years from the date of the
22 report and then shall be removed from the records of the
23 division.

24 2. Within ninety days after receipt of a report of abuse or
25 neglect that is investigated, the alleged perpetrator named in

1 the report and the parents of the child named in the report, if
2 the alleged perpetrator is not a parent, shall be notified in
3 writing of any determination made by the division based on the
4 investigation. The notice shall advise either:

5 (1) That the division has determined by a preponderance of
6 the evidence that [there is probable cause to suspect] abuse or
7 neglect exists and that the division shall retain all identifying
8 information regarding the abuse or neglect; that such information
9 shall remain confidential and will not be released except to law
10 enforcement agencies, prosecuting or circuit attorneys, or as
11 provided in section 210.150; that the alleged perpetrator has
12 sixty days from the date of receipt of the notice to seek
13 reversal of the division's determination through a review by the
14 child abuse and neglect review board as provided in subsection 3
15 of this section; or

16 (2) [There is insufficient probable cause of abuse or
17 neglect.] That the division has not determined by a preponderance
18 of the evidence that abuse or neglect exists.

19 3. Any person named in an investigation as a perpetrator
20 who is aggrieved by a determination of abuse or neglect by the
21 division as provided in this section may seek an administrative
22 review by the child abuse and neglect review board pursuant to
23 the provisions of section 210.153. Such request for review shall
24 be made within sixty days of notification of the division's
25 decision under this section. In those cases where criminal

1 charges arising out of facts of the investigation are pending,
2 the request for review shall be made within sixty days from the
3 court's final disposition or dismissal of the charges.

4 4. In any such action for administrative review, the child
5 abuse and neglect review board shall sustain the division's
6 determination if [such determination is supported by evidence of
7 probable cause and is not against the weight of such evidence]
8 the division establishes by a preponderance of the evidence that
9 the alleged perpetrator abused or neglected a child. The abuse
10 and neglect review board shall provide the alleged perpetrator
11 with an opportunity to appear and present testimony. The
12 Missouri rules of civil procedure and the provisions of chapters
13 490, 491, and 492, RSMo, shall apply in such proceedings. The
14 child abuse and neglect review board hearing shall be closed to
15 all persons except the parties, their attorneys and those persons
16 providing testimony on behalf of the parties.

17 5. If the alleged perpetrator is aggrieved by the decision
18 of the child abuse and neglect review board, the alleged
19 perpetrator may [seek de novo judicial review in the circuit
20 court in the county in which the alleged perpetrator resides and
21 in circuits with split venue, in the venue in which the alleged
22 perpetrator resides, or in Cole County] demand in writing that
23 the division initiate de novo review proceedings. Such demand
24 shall be made within sixty days of the notification of the
25 decision of the child abuse and neglect review board. The

1 division shall initiate de novo review proceedings in the circuit
2 court of Cole County within fourteen days. The alleged
3 perpetrator may request a change of venue to the circuit court
4 for the county in which the alleged perpetrator resides. If the
5 alleged perpetrator is not a resident of the state, proper venue
6 shall be in Cole County. The case may be assigned to the family
7 court division where such a division has been established. [The
8 request for a judicial review shall be made within sixty days of
9 the notification of the decision of the child abuse and neglect
10 review board decision. In reviewing such decisions,] In the de
11 novo review proceeding, the division shall be the petitioner and
12 shall establish by a preponderance of the evidence that the
13 alleged perpetrator abused or neglected a child. The circuit
14 court shall provide the alleged perpetrator the opportunity to
15 appear and present testimony. The Missouri rules of civil
16 procedure and the provisions of chapters 490, 491, and 492, RSMo,
17 shall apply to such proceedings. The [alleged perpetrator]
18 parties may subpoena any witnesses except the alleged victim or
19 the reporter. However, the circuit court shall have the
20 discretion to allow the parties to submit the case upon a
21 stipulated record.

22 6. In any such action for administrative review the child
23 abuse and neglect review board shall notify the child or the
24 parent, guardian or legal representative of the child that a
25 review has been requested.

1 210.160. 1. In every case involving an abused or neglected
2 child which results in a judicial proceeding, the judge shall
3 appoint a guardian ad litem to appear for and represent:

4 (1) A child who is the subject of proceedings pursuant to
5 sections 210.110 to 210.165, sections 210.700 to 210.760,
6 sections 211.442 to 211.487, RSMo, or sections 453.005 to
7 453.170, RSMo, or proceedings to determine custody or visitation
8 rights under sections 452.375 to 452.410, RSMo; or

9 (2) A parent who is a minor, or who is a mentally ill
10 person or otherwise incompetent, and whose child is the subject
11 of proceedings under sections 210.110 to 210.165, sections
12 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or
13 sections 453.005 to 453.170, RSMo.

14 2. The guardian ad litem shall be provided with all reports
15 relevant to the case made to or by any agency or person [and],
16 shall have access to all records of such agencies or persons
17 relating to the child or such child's family members or
18 placements of the child, and upon appointment by the court, shall
19 be informed of and have the right to attend any and all meetings
20 involving the child. Employees of the division, officers of the
21 court, and employees of any agency involved shall fully inform
22 the guardian ad litem of all aspects of the case of which they
23 have knowledge or belief.

24 3. The appointing judge shall require the guardian ad litem
25 to faithfully discharge such guardian ad litem's duties, and upon

1 failure to do so shall discharge such guardian ad litem and
2 appoint another. The appointing judge shall have the authority
3 to examine the general and criminal background of persons
4 appointed as guardians ad litem to ensure the safety and welfare
5 of the children such persons are appointed to represent. The
6 judge in making appointments pursuant to this section shall give
7 preference to persons who served as guardian ad litem for the
8 child in the earlier proceeding, unless there is a reason on the
9 record for not giving such preference.

10 4. The guardian ad litem may be awarded a reasonable fee
11 for such services to be set by the court. The court, in its
12 discretion, may award such fees as a judgment to be paid by any
13 party to the proceedings or from public funds. However, no fees
14 as a judgment shall be taxed against a party or parties who have
15 not been found to have abused or neglected a child or children.
16 Such an award of guardian fees shall constitute a final judgment
17 in favor of the guardian ad litem. Such final judgment shall be
18 enforceable against the parties in accordance with chapter 513,
19 RSMo.

20 5. The court may designate volunteer advocates, who may or
21 may not be attorneys licensed to practice law, to assist in the
22 performance of the guardian ad litem duties for the court. The
23 court shall have the authority to examine the general and
24 criminal background of persons designated as volunteer advocates
25 to ensure the safety and welfare of the children such persons are

1 designated to represent. The volunteer advocate shall be
2 provided with all reports relevant to the case made to or by any
3 agency or person [and], shall have access to all records of such
4 agencies or persons relating to the child or such child's family
5 members or placements of the child, and upon designation by the
6 court shall be informed of and have the right to attend any and
7 all meetings involving the child. Any such designated person
8 shall receive no compensation from public funds. This shall not
9 preclude reimbursement for reasonable expenses.

10 6. Any person appointed to perform guardian ad litem duties
11 shall have completed a training program in permanency planning
12 and shall, whenever possible, advocate for timely court hearings
13 to attain permanency for a child as expeditiously as possible to
14 reduce the effects that prolonged foster care may have on a
15 child. A nonattorney volunteer advocate shall have access to a
16 court appointed attorney guardian ad litem should the
17 circumstances of the particular case so require.

18 210.183. 1. At the time of the initial investigation of a
19 report of child abuse or neglect, the division employee
20 conducting the investigation shall provide the alleged
21 perpetrator with a written description of the investigation
22 process. Such written notice shall be given substantially in the
23 following form:

24 "The investigation is being undertaken by the Division of
25 Family Services pursuant to the requirements of chapter 210 of

1 the Revised Missouri Statutes in response to a report of child
2 abuse or neglect.

3 "The identity of the person who reported the incident of
4 abuse or neglect is confidential and may not even be known to the
5 Division since the report could have been made anonymously.

6 "This investigation is required by law to be conducted in
7 order to enable the Division of Family Services to identify
8 incidents of abuse or neglect in order to provide protective or
9 preventive social services to families who are in need of such
10 services.

11 "The division shall make every reasonable attempt to
12 complete the investigation within thirty days. Within ninety
13 days you will receive a letter from the Division which will
14 inform you of one of the following:

15 "(1) That the Division has found insufficient evidence of
16 abuse or neglect; or

17 "(2) That there appears to be probable cause to suspect the
18 existence of child abuse or neglect in the judgment of the
19 Division and that the Division will contact the family to offer
20 social services.

21 "If the Division finds [there is probable cause to believe]
22 by a preponderance of the evidence that child abuse or neglect
23 has occurred or the case is substantiated by court adjudication,
24 a record of the report and information gathered during the
25 investigation will remain on file with the Division.

1 "If you disagree with the determination of the Division and
2 feel that there is insufficient [probable cause to believe]
3 evidence to prove by a preponderance of the evidence that abuse
4 or neglect has occurred, you have a right to request an
5 administrative review at which time you may hire an attorney to
6 represent you. If you request an administrative review on the
7 issue, you will be notified of the date and time of your
8 administrative review hearing by the child abuse and neglect
9 review board. If the division's decision is reversed by the
10 child abuse and neglect review board, the Division records
11 concerning the report and investigation will be updated to
12 reflect such finding. If the child abuse and neglect review
13 board upholds the division's decision, an appeal may be filed in
14 circuit court within sixty days of the child abuse and neglect
15 review board's decision."

16 2. If the division uses the family assessment approach, the
17 division shall at the time of the initial contact provide the
18 parent of the child with the following information:

19 (1) The purpose of the contact with the family;

20 (2) The name of the person responding and his office
21 telephone number;

22 (3) The assessment process to be followed during the
23 division's intervention with the family including the possible
24 services available and expectations of the family.

25 210.187. 1. The task force on children's justice

1 established by the division of family services to recommend
2 improvements in the area of child abuse and neglect services and
3 provide funding for such recommendations shall provide an
4 independent review of policies and procedures of state and local
5 child protective services agencies, and where appropriate,
6 specific cases, and shall evaluate the extent to which the
7 agencies are effectively discharging their child protection
8 responsibilities.

9 2. Consistent with the task force's function of reviewing
10 applications for federal grant moneys available to the state
11 under the Children's Justice Act which are designed to assist
12 eligible states in implementing programs for the handling,
13 investigation, and prosecution of child abuse cases, the task
14 force shall consider the awarding of grant moneys which address
15 the issues that arise from the independent review conducted by
16 the task force pursuant to subsection 1 of this section. As
17 authorized by the Children's Justice Act, grant moneys shall be
18 awarded for the following categories:

19 (1) Improvements to the investigative, administrative, and
20 judicial handling of cases of child abuse and neglect;

21 (2) Experimental, model, and demonstration programs for
22 testing innovative approaches and techniques to improve the
23 prompt and successful resolution of court proceedings or enhance
24 the effectiveness and judicial administration action in child
25 abuse and neglect cases; and

1 (3) Reform of state laws, rules, protocols, and procedures
2 to provide comprehensive protection for children from abuse and
3 neglect.

4 3. The members of the task force shall not disclose to any
5 person or government official any identifying information
6 concerning a specific child protection case with respect to which
7 the task force is providing information and shall not make public
8 other information unless authorized by state law.

9 4. The task force shall be provided:

10 (1) Access to information on cases that the task force
11 desires or is requested to review if such information is
12 necessary for the task force to carry out its functions pursuant
13 to this section; and

14 (2) Upon request, assistance from the department of social
15 services for the performance of the task force's duties.

16 210.188. Beginning February 1, 2005, and each February
17 first thereafter, the department of social services shall submit
18 a report to the governor and the general assembly that includes
19 the following information for the previous calendar year:

20 (1) The number of children who were reported to the state
21 of Missouri during the year as abused or neglected;

22 (2) Of the number of children described in subdivision (1)
23 of this section, the number with respect to whom such reports
24 were:

25 (a) Substantiated;

1 (b) Unsubstantiated; or

2 (c) Summarily closed pursuant to section 210.145;

3 (3) Of the number of children described in subdivision (2)
4 of this section:

5 (a) The number that did not receive services during the
6 year under a state program;

7 (b) The number that did receive services during the year
8 under a state program; and

9 (c) The number that were removed from their families during
10 the year by disposition of the case;

11 (4) The number of families that received preventive
12 services from the state during the year;

13 (5) The number of deaths in the state during the year
14 resulting from child abuse or neglect;

15 (6) Of the number of children described in subdivision (5)
16 of this section, the number of children who were in foster care;

17 (7) The number of child protective services workers
18 responsible for the intake and screening of reports filed during
19 the year;

20 (8) The agency response time with respect to each such
21 report with respect to initial investigation of reports of child
22 abuse or neglect;

23 (9) The response time with respect to the provision of
24 services to families and children where an allegation of abuse or
25 neglect has been made;

1 (10) The number of child protective services workers
2 responsible for intake, assessment, and investigation of child
3 abuse and neglect reports relative to the number of reports
4 investigated during the year;

5 (11) The number of children reunited with their families or
6 receiving family preservation services that, within five years,
7 result in subsequent substantiated reports of child abuse and
8 neglect, including the death of the child; and

9 (12) The number of children for whom individuals were
10 appointed by the court to represent the best interests of such
11 children and the average number of direct out-of-court contacts
12 made in person, telephonically, or otherwise between such
13 individuals and the children they represent.

14 210.482. 1. If the emergency placement of a child in a
15 private home is necessary due to the unexpected absence of the
16 child's parents, legal guardian, or custodian, the juvenile court
17 or division of family services may request that a local or state
18 law enforcement agency or juvenile officer immediately conduct a
19 name-based criminal history record check to include full orders
20 of protection and outstanding warrants of each person eighteen
21 years of age or older residing in the home by using the Missouri
22 uniform law enforcement system (MULES) and the National Crime
23 Information Center to access the Interstate Identification Index
24 maintained by the Federal Bureau of Investigation.

25 2. If a name-based search has been conducted pursuant to

1 subsection 1 of this section, within five business days after the
2 emergency placement of the child in the private home, and if the
3 private home has not previously been approved as a foster or
4 adoptive home, all persons eighteen years of age or older
5 residing in the home shall report to a local law enforcement
6 agency for the purpose of providing two sets of fingerprints each
7 and accompanying fees, pursuant to section 43.530, RSMo. One set
8 of fingerprints shall be used by the highway patrol to search the
9 criminal history repository and the second set shall be forwarded
10 to the Federal Bureau of Investigation for searching the federal
11 criminal history files. Results of the checks will be provided
12 to the juvenile court or division of family services' office
13 requesting such information. Any child placed in emergency
14 placement in a private home shall be removed immediately if any
15 person residing in the home fails to provide fingerprints after
16 being requested to do so, unless the person refusing to provide
17 fingerprints ceases to reside in the private home.

18 3. If the placement of a child is denied as a result of a
19 name-based criminal history check and the denial is contested,
20 all persons eighteen years of age or older residing in the home
21 shall, within five business days, submit to the juvenile court or
22 the division of family services two sets of fingerprints in the
23 same manner described in subsection 2 of this section,
24 accompanying fees, and written permission authorizing the
25 juvenile court or the division of family services to forward the

1 fingerprints to the state criminal record repository for
2 submission to the Federal Bureau of Investigation. One set of
3 fingerprints shall be used by the highway patrol to search the
4 criminal history repository and the second set shall be forwarded
5 to the Federal Bureau of Investigation for searching the federal
6 criminal history files.

7 4. For the purposes of this section, "emergency placement"
8 refers to those limited instances when the juvenile court or
9 division of family services is placing a child in the home of
10 private individuals, including neighbors, friends, or relatives,
11 as a result of a sudden unavailability of the child's primary
12 caretaker.

13 210.487. 1. When conducting investigations of persons for
14 the purpose of foster parent licensing, the division shall:

15 (1) Conduct a search for any adult in the applicant's
16 household for evidence of full orders of protection. The office
17 of state courts administrator shall allow access to the automated
18 court information system by the division. The clerk of each
19 court contacted by the division shall provide the division
20 information within ten days of a request; and

21 (2) Obtain two sets of fingerprints for any adult in the
22 applicant's household in the same manner set forth in subsection
23 2 of section 210.482. One set of fingerprints shall be used by
24 the highway patrol to search the criminal history repository and
25 the second set shall be forwarded to the Federal Bureau of

1 Investigation for searching the federal criminal history files.
2 The highway patrol shall assist the division and provide the
3 criminal fingerprint background information, upon request.

4 2. The division may make arrangements with other executive
5 branch agencies to obtain any investigative background
6 information.

7 3. The division may promulgate rules and regulations that
8 are necessary to implement the provisions of this section. No
9 rule or portion of a rule promulgated pursuant to the authority
10 of this section shall become effective unless it has been
11 promulgated pursuant to chapter 536, RSMo.

12 210.518. 1. The department of social services, the
13 department of mental health, the department of elementary and
14 secondary education and all subdivisions thereof shall develop
15 and implement through interagency agreement a common system of
16 classification for assessing the needs of a child and common
17 terminology to describe the services to be provided to the child.
18 The agreement must establish a standardized form and set of
19 records to be kept for such children which shall include, if
20 applicable to such child, any individualized education plan,
21 diagnostic summary, school history, school records, medical
22 history, court records, placement orders and any criminal
23 history. The agreement shall be adopted and in effect on or
24 before July 1, 1999.

25 2. To facilitate the coordination of services being

1 provided to children, interagency meetings pursuant to subsection
2 1 of this section shall be held monthly to address and review any
3 actions being taken by agency personnel involved in the provision
4 of services to a child. The agencies shall document which staff
5 members attended such meetings. If any services for the child
6 are provided through contracted providers, such providers shall
7 be included in the meetings described in this section.

8 210.565. 1. Whenever a child is placed in a foster home
9 and the court has determined pursuant to subsection 3 of this
10 section that foster home placement with relatives is not contrary
11 to the best interest of the child, the division of family
12 services shall give [preference and first consideration for]
13 foster home placement to relatives of the child. Notwithstanding
14 any rule of the division to the contrary, grandparents who
15 request consideration shall be given preference and first
16 consideration for foster home placement.

17 2. As used in this section, the term "relative" means a
18 person related to another by blood or affinity within the third
19 degree. The status of a grandparent shall not be affected by the
20 death or the dissolution of the marriage of a son or daughter.

21 3. The preference for placement with relatives created by
22 this section shall only apply where the court finds that
23 placement with such relatives is in the best interest of the
24 child considering all circumstances. If the court finds that it
25 is not in the best interest of a child to be placed with

1 relatives, the court shall make specific findings on the record
2 detailing the reasons why the best interests of the child
3 necessitate placement of the child with persons other than
4 relatives.

5 210.903. 1. To protect children, the elderly, and disabled
6 individuals in this state, and to promote family and community
7 safety by providing information concerning family caregivers,
8 there is hereby established within the department of health and
9 senior services a "Family Care Safety Registry and Access Line"
10 which shall be available by January 1, 2001.

11 2. The family care safety registry shall contain
12 information on child-care workers', elder-care workers', and
13 personal-care workers' background and on child-care, elder-care
14 and personal-care providers through:

15 (1) The patrol's criminal record check system pursuant to
16 section 43.540, RSMo, including state and national information,
17 to the extent possible;

18 (2) [Probable cause] Findings of abuse and neglect by a
19 preponderance of the evidence pursuant to sections 210.109 to
20 210.183 and, as of January 1, 2003, financial exploitation of the
21 elderly or disabled, pursuant to section 570.145, RSMo;

22 (3) The division of aging's employee disqualification list
23 pursuant to section 660.315, RSMo;

24 (4) As of January 1, 2003, the department of mental
25 health's employee disqualification registry;

1 (5) Foster parent licensure denials, revocations and
2 involuntary suspensions pursuant to section 210.496;

3 (6) Child-care facility license denials, revocations and
4 suspensions pursuant to sections 210.201 to 210.259; and

5 (7) Residential living facility and nursing home license
6 denials, revocations, suspensions and probationary status
7 pursuant to chapter 198, RSMo.

8 210.909. 1. Upon submission of a completed registration
9 form by a child-care worker, elder-care worker or personal-care
10 attendant, the department shall:

11 (1) Determine if a [probable cause] finding of child abuse
12 or neglect by a preponderance of the evidence involving the
13 applicant has been recorded pursuant to sections 210.109 to
14 210.183 and, as of January 1, 2003, if there is a [probable
15 cause] finding of financial exploitation of the elderly or
16 disabled pursuant to section 570.145, RSMo;

17 (2) Determine if the applicant has been refused licensure
18 or has experienced involuntary licensure suspension or revocation
19 pursuant to section 210.496;

20 (3) Determine if the applicant has been placed on the
21 employee disqualification list pursuant to section 660.315, RSMo;

22 (4) As of January 1, 2003, determine if the applicant is
23 listed on the department of mental health's employee
24 disqualification registry;

25 (5) Determine through a request to the patrol pursuant to

1 section 43.540, RSMo, whether the applicant has any conviction,
2 plea of guilty or nolo contendere, or a suspended execution of
3 sentence to a charge of any offense pursuant to chapters 198,
4 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo; and

5 (6) If the background check involves a provider, determine
6 if a facility has been refused licensure or has experienced
7 licensure suspension, revocation or probationary status pursuant
8 to sections 210.201 to 210.259 or chapter 198, RSMo.

9 2. Upon completion of the background check described in
10 subsection 1 of this section, the department shall include
11 information in the registry for each registrant as to whether any
12 convictions, employee disqualification listings, registry
13 listings, [probable cause] findings, pleas of guilty or nolo
14 contendere, or license denial, revocation or suspension have been
15 documented through the records checks authorized pursuant to the
16 provisions of sections 210.900 to 210.936.

17 3. The department shall notify such registrant in writing
18 of the results of the determination recorded on the registry
19 pursuant to this section.

20 211.031. 1. Except as otherwise provided in this chapter,
21 the juvenile court or the family court in circuits that have a
22 family court as provided in sections 487.010 to 487.190, RSMo,
23 shall have exclusive original jurisdiction in proceedings:

24 (1) Involving any child or person seventeen years of age
25 who may be a resident of or found within the county and who is

1 alleged to be in need of care and treatment because:

2 (a) The parents, or other persons legally responsible for
3 the care and support of the child or person seventeen years of
4 age, neglect or refuse to provide proper support, education which
5 is required by law, medical, surgical or other care necessary for
6 his or her well-being; except that reliance by a parent, guardian
7 or custodian upon remedial treatment other than medical or
8 surgical treatment for a child or person seventeen years of age
9 shall not be construed as neglect when the treatment is
10 recognized or permitted pursuant to the laws of this state;

11 (b) The child or person seventeen years of age is otherwise
12 without proper care, custody or support; or

13 (c) The child or person seventeen years of age was living
14 in a room, building or other structure at the time such dwelling
15 was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child
18 in need of mental health services and the parent, guardian or
19 custodian is unable to afford or access appropriate mental health
20 treatment or care for the child;

21 (2) Involving any child who may be a resident of or found
22 within the county and who is alleged to be in need of care and
23 treatment because:

24 (a) The child while subject to compulsory school attendance
25 is repeatedly and without justification absent from school; or

1 (b) The child disobeys the reasonable and lawful directions
2 of his or her parents or other custodian and is beyond their
3 control; or

4 (c) The child is habitually absent from his or her home
5 without sufficient cause, permission, or justification; or

6 (d) The behavior or associations of the child are otherwise
7 injurious to his or her welfare or to the welfare of others; or

8 (e) The child is charged with an offense not classified as
9 criminal, or with an offense applicable only to children; except
10 that, the juvenile court shall not have jurisdiction over any
11 child fifteen and one-half years of age who is alleged to have
12 violated a state or municipal traffic ordinance or regulation,
13 the violation of which does not constitute a felony, or any child
14 who is alleged to have violated a state or municipal ordinance or
15 regulation prohibiting possession or use of any tobacco product;

16 (3) Involving any child who is alleged to have violated a
17 state law or municipal ordinance, or any person who is alleged to
18 have violated a state law or municipal ordinance prior to
19 attaining the age of seventeen years, in which cases jurisdiction
20 may be taken by the court of the circuit in which the child or
21 person resides or may be found or in which the violation is
22 alleged to have occurred; except that, the juvenile court shall
23 not have jurisdiction over any child fifteen and one-half years
24 of age who is alleged to have violated a state or municipal
25 traffic ordinance or regulation, the violation of which does not

1 constitute a felony, or any child who is alleged to have violated
2 a state or municipal ordinance or regulation prohibiting
3 possession or use of any tobacco product;

4 (4) For the adoption of a person;

5 (5) For the commitment of a child or person seventeen years
6 of age to the guardianship of the department of social services
7 as provided by law.

8 2. Transfer of a matter, proceeding, jurisdiction or
9 supervision for a child or person seventeen years of age who
10 resides in a county of this state shall be made as follows:

11 (1) Prior to the filing of a petition and upon request of
12 any party or at the discretion of the juvenile officer, the
13 matter in the interest of a child or person seventeen years of
14 age may be transferred by the juvenile officer, with the prior
15 consent of the juvenile officer of the receiving court, to the
16 county of the child's residence or the residence of the person
17 seventeen years of age for future action;

18 (2) Upon the motion of any party or on its own motion prior
19 to final disposition on the pending matter, the court in which a
20 proceeding is commenced may transfer the proceeding of a child or
21 person seventeen years of age to the court located in the county
22 of the child's residence or the residence of the person seventeen
23 years of age, or the county in which the offense pursuant to
24 subdivision (3) of subsection 1 of this section is alleged to
25 have occurred for further action;

1 (3) Upon motion of any party or on its own motion, the
2 court in which jurisdiction has been taken pursuant to subsection
3 1 of this section may at any time thereafter transfer
4 jurisdiction of a child or person seventeen years of age to the
5 court located in the county of the child's residence or the
6 residence of the person seventeen years of age for further action
7 with the prior consent of the receiving court;

8 (4) Upon motion of any party or upon its own motion at any
9 time following a judgment of disposition or treatment pursuant to
10 section 211.181, the court having jurisdiction of the cause may
11 place the child or person seventeen years of age under the
12 supervision of another juvenile court within or without the state
13 pursuant to section 210.570, RSMo, with the consent of the
14 receiving court;

15 (5) Upon motion of any child or person seventeen years of
16 age or his or her parent, the court having jurisdiction shall
17 grant a change of judge or a change of venue to the family court
18 or juvenile court of another judicial circuit, or both;

19 (6) Upon the transfer of any matter, proceeding,
20 jurisdiction or supervision of a child or person seventeen years
21 of age, certified copies of all legal and social documents and
22 records pertaining to the case on file with the clerk of the
23 transferring juvenile court shall accompany the transfer.

24 3. In any proceeding involving any child or person
25 seventeen years of age taken into custody in a county other than

1 the county of the child's residence or the residence of a person
2 seventeen years of age, the juvenile court of the county of the
3 child's residence or the residence of a person seventeen years of
4 age shall be notified of such taking into custody within
5 seventy-two hours.

6 4. Nothing in this section shall be construed as
7 authorizing a juvenile officer or deputy juvenile officer to take
8 custody of a child or person seventeen years of age.

9 210.937. The provisions of sections 210.900 to 210.936
10 shall terminate on January 1, [2004] 2010.

11 211.032. 1. When a child or person seventeen years of age,
12 alleged to be in need of care and treatment pursuant to
13 subdivision (1) of subsection 1 of section 211.031, is taken into
14 custody, the juvenile or family court shall make reasonable
15 efforts to notify the [parties of the right to have a protective
16 custody hearing. Such notification shall be in writing.]
17 biological parents, the foster parents, and the grandparents of
18 the child, the division of family services worker, the child
19 abuse and neglect hotline worker, and the guardian ad litem or
20 court-appointed special advocate for the child of the specific
21 date, time, and place that a status conference will be held by
22 the court. Such status conference shall be an open conference
23 and shall be held within three days of the child being taken into
24 custody, excluding Saturdays, Sundays, and legal holidays. The
25 inability to provide notice to any of the persons listed in this

1 subsection after reasonable efforts have been made or the absence
2 of any such persons at the status conference shall not preclude
3 the court from conducting the status conference as scheduled.

4 The supreme court shall establish procedures for the status
5 conference held pursuant to this subsection which shall include,
6 but not be limited to, the following issues:

7 (1) Whether the child can immediately be returned to the
8 child's home. If a child could be returned to the home if
9 support services are provided, such services shall be ordered;

10 (2) Appointment of a guardian ad litem or court-appointed
11 special advocate for the child;

12 (3) Appointment of legal counsel;

13 (4) Whether paternity has been established or needs to be
14 established;

15 (5) Service of process and the location of any absent
16 parent;

17 (6) Whether reasonable efforts were made by the division
18 prior to the removal or emergency removal of the child;

19 (7) A contrary to welfare finding;

20 (8) Placement of the child and the availability of
21 relatives of the child as the preferred placement;

22 (9) Whether the removal of the child necessitates a
23 placement which will cause a disruption in the school currently
24 attended by such child;

25 (10) Providing for visitation by the child's parents,

1 siblings, or other family members where appropriate;

2 (11) The status of any temporary assistance for needy
3 families benefits, Social Security benefits, or child support
4 that is being received on behalf of the child; and

5 (12) Providing for any necessary evaluations, including
6 medical or psychological evaluations.

7 A protective custody hearing may be requested at a status
8 conference, and if requested, a date for such hearing shall be
9 scheduled pursuant to subsection 2 of this section at the time of
10 the status conference whenever possible.

11 2. Upon request from any party or upon request during a
12 status conference, the court shall hold a protective custody
13 hearing[. Such hearing shall be held within three] within
14 fourteen days of the request for a hearing, excluding Saturdays,
15 Sundays and legal holidays. No continuances shall be granted for
16 such protective custody hearing except upon a written motion for
17 cause filed and signed by the party requesting the continuance
18 and such party's attorney.

19 3. The court shall hold an adjudication hearing sixty days
20 after the child has been taken into custody. The court shall
21 notify the parties in writing of the specific date, time, and
22 place of such hearing. If at such hearing the court determines
23 that sufficient cause exists for the child to remain in the
24 custody of the state, the court shall conduct a dispositional

1 hearing ninety days after the child has been taken into custody
2 and shall conduct review hearings regarding the reunification
3 efforts made by the division every ninety to one hundred twenty
4 days for the first year the child is in the custody of the
5 division. After the first year, review hearings shall be held as
6 necessary, but in no event less than once every six months for as
7 long as the child is in the custody of the division.

8 4. At [the protective custody hearing] all hearings held
9 pursuant to this section the court may receive testimony and
10 other evidence relevant to the necessity of detaining the child
11 out of the custody of the parents, guardian or custodian.

12 5. If the placement of any child in the custody of the
13 division of family services will result in the child attending a
14 school other than the school the child was attending when taken
15 into custody:

16 (1) The child's records from such school shall
17 automatically be forwarded to the transferring school upon
18 notification by the division; or

19 (2) Upon request of the foster family and whenever
20 possible, the child shall be permitted to continue to attend the
21 same school that the child was enrolled in and attending at the
22 time the child was taken into custody by the division. The
23 division, in consultation with the department of elementary and
24 secondary education, shall establish the necessary procedures to
25 implement the provisions of this subdivision.

1 211.059. 1. Any interrogation of or interview with a child
2 taken into custody by a juvenile officer or law enforcement
3 official shall be audiotape or videotape recorded in its
4 entirety, or shall be conducted in the presence of a third party
5 who can testify at any administrative or court proceeding as to
6 what transpired at such interrogation or interview. For purposes
7 of this section, "custody" means any situation in which a child
8 has been deprived of his or her liberty to leave. Any failure to
9 comply with the provisions of this section shall render any and
10 all statements made by the child inadmissible in any future
11 administrative or judicial proceeding. Each of the warnings in
12 subsection 2 of this section shall be given while recording or in
13 the presence of the third party.

14 2. When a child is taken into custody by a juvenile officer
15 or law enforcement official, [with or without a warrant for an
16 offense in violation of the juvenile code or the general law
17 which would place the child under the jurisdiction of the
18 juvenile court pursuant to subdivision (2) or (3) of subsection 1
19 of section 211.031,] the child shall be advised prior to
20 questioning:

21 (1) That he has the right to remain silent; and

22 (2) That any statement he does make to anyone can be and
23 may be used against him; and

24 (3) That he has a right to have a parent, guardian or
25 custodian present during questioning; and

1 (4) That he has a right to consult with an attorney and
2 that one will be appointed and paid for him if he cannot afford
3 one.

4 [2.] 3. If the child indicates in any manner and at any
5 stage of questioning pursuant to this section that he or she does
6 not wish to be questioned further, or that the child wishes to
7 have his or her parent, legal guardian, custodian, or attorney
8 present during questioning, the officer shall cease questioning.

9 211.171. 1. Except as otherwise provided in section
10 211.321, the procedure to be followed at the hearing shall be
11 determined by the juvenile court judge and may be as formal or
12 informal as he or she considers desirable, consistent with
13 constitutional and statutory requirements. The judge may take
14 testimony and inquire into the habits, surroundings, conditions
15 and tendencies of the child and the family to enable the court to
16 render such order or judgment as will best promote the welfare of
17 the child and carry out the objectives of this chapter.

18 2. The hearing may, in the discretion of the court, proceed
19 in the absence of the child and may be adjourned from time to
20 time.

21 3. The current foster parents of a child, or any
22 preadoptive parent or relative currently providing care for the
23 child, shall be provided with notice of, and an opportunity to be
24 heard in, any [permanency or other review] hearing to be held
25 with respect to the child. This subsection shall not be

1 construed to require that any such foster parent, preadoptive
2 parent or relative providing care for a child be made a party to
3 the case solely on the basis of such notice and opportunity to be
4 heard.

5 4. All cases of children shall be heard separately from the
6 trial of cases against adults.

7 5. Stenographic notes or an authorized recording of the
8 hearing shall be required if the court so orders [or], if
9 requested by any party interested in the proceeding, or in
10 accordance with section 211.321.

11 6. The general public shall be excluded and only such
12 persons admitted as have a direct interest in the case or in the
13 work of the court except in cases where the child is accused of
14 conduct which, if committed by an adult, would be considered a
15 class A or B felony; or for conduct which would be considered a
16 class C felony, if the child has previously been formally
17 adjudicated for the commission of two or more unrelated acts
18 which would have been class A, B or C felonies, if committed by
19 an adult.

20 7. The practice and procedure customary in proceedings in
21 equity shall govern all proceedings in the juvenile court; except
22 that, the court shall not grant a continuance in such proceedings
23 absent compelling extenuating circumstances, and in such cases,
24 the court shall make written findings on the record detailing the
25 specific reasons for granting a continuance.

1 8. The court shall allow the victim of any offense to
2 submit a written statement to the court. The court shall allow
3 the victim to appear before the court personally or by counsel
4 for the purpose of making a statement, unless the court finds
5 that the presence of the victim would not serve justice. The
6 statement shall relate solely to the facts of the case and any
7 personal injuries or financial loss incurred by the victim. A
8 member of the immediate family of the victim may appear
9 personally or by counsel to make a statement if the victim has
10 died or is otherwise unable to appear as a result of the offense
11 committed by the child.

12 211.181. 1. When a child or person seventeen years of age
13 is found by the court to come within the applicable provisions of
14 subdivision (1) of subsection 1 of section 211.031, the court
15 shall so decree and make a finding of fact upon which it
16 exercises its jurisdiction over the child or person seventeen
17 years of age, and the court may, by order duly entered, proceed
18 as follows:

19 (1) Place the child or person seventeen years of age under
20 supervision in his own home or in the custody of a relative or
21 other suitable person after the court or a public agency or
22 institution designated by the court conducts an investigation of
23 the home, relative or person and finds such home, relative or
24 person to be suitable and upon such conditions as the court may
25 require;

1 (2) Commit the child or person seventeen years of age to
2 the custody of:

3 (a) A public agency or institution authorized by law to
4 care for children or to place them in family homes; except that,
5 such child or person seventeen years of age may not be committed
6 to the department of social services, division of youth services;

7 (b) Any other institution or agency which is authorized or
8 licensed by law to care for children or to place them in family
9 homes;

10 (c) An association, school or institution willing to
11 receive the child or person seventeen years of age in another
12 state if the approval of the agency in that state which
13 administers the laws relating to importation of children into the
14 state has been secured; or

15 (d) The juvenile officer;

16 (3) Place the child or person seventeen years of age in a
17 family home;

18 (4) Cause the child or person seventeen years of age to be
19 examined and treated by a physician, psychiatrist or psychologist
20 and when the health or condition of the child or person seventeen
21 years of age requires it, cause the child or person seventeen
22 years of age to be placed in a public or private hospital, clinic
23 or institution for treatment and care; except that, nothing
24 contained herein authorizes any form of compulsory medical,
25 surgical, or psychiatric treatment of a child or person seventeen

1 years of age whose parents or guardian in good faith are
2 providing other remedial treatment recognized or permitted under
3 the laws of this state;

4 (5) The court may order, pursuant to subsection 2 of
5 section 211.081, that the child receive the necessary services in
6 the least restrictive appropriate environment including home and
7 community-based services, treatment and support, based on a
8 coordinated, individualized treatment plan. The individualized
9 treatment plan shall be approved by the court and developed by
10 the applicable state agencies responsible for providing or paying
11 for any and all appropriate and necessary services, subject to
12 appropriation, and shall include which agencies are going to pay
13 for and provide such services. Such plan must be submitted to
14 the court within thirty days and the child's family shall
15 actively participate in designing the service plan for the child
16 or person seventeen years of age;

17 (6) The department of social services, in conjunction with
18 the department of mental health, shall apply to the United States
19 Department of Health and Human Services for such federal waivers
20 as required to provide services for such children, including the
21 acquisition of community-based services waivers.

22 2. When a child is found by the court to come within the
23 provisions of subdivision (2) of subsection 1 of section 211.031,
24 the court shall so decree and upon making a finding of fact upon
25 which it exercises its jurisdiction over the child, the court

1 may, by order duly entered, proceed as follows:

2 (1) Place the child under supervision in his own home or in
3 custody of a relative or other suitable person after the court or
4 a public agency or institution designated by the court conducts
5 an investigation of the home, relative or person and finds such
6 home, relative or person to be suitable and upon such conditions
7 as the court may require;

8 (2) Commit the child to the custody of:

9 (a) A public agency or institution authorized by law to
10 care for children or place them in family homes; except that, a
11 child may be committed to the department of social services,
12 division of youth services, only if he is presently under the
13 court's supervision after an adjudication under the provisions of
14 subdivision (2) or (3) of subsection 1 of section 211.031;

15 (b) Any other institution or agency which is authorized or
16 licensed by law to care for children or to place them in family
17 homes;

18 (c) An association, school or institution willing to
19 receive it in another state if the approval of the agency in that
20 state which administers the laws relating to importation of
21 children into the state has been secured; or

22 (d) The juvenile officer;

23 (3) Place the child in a family home;

24 (4) Cause the child to be examined and treated by a
25 physician, psychiatrist or psychologist and when the health or

1 condition of the child requires it, cause the child to be placed
2 in a public or private hospital, clinic or institution for
3 treatment and care; except that, nothing contained herein
4 authorizes any form of compulsory medical, surgical, or
5 psychiatric treatment of a child whose parents or guardian in
6 good faith are providing other remedial treatment recognized or
7 permitted under the laws of this state;

8 (5) Assess an amount of up to ten dollars to be paid by the
9 child to the clerk of the court. Execution of any order entered
10 by the court pursuant to this subsection, including a commitment
11 to any state agency, may be suspended and the child placed on
12 probation subject to such conditions as the court deems
13 reasonable. After a hearing, probation may be revoked and the
14 suspended order executed.

15 3. When a child is found by the court to come within the
16 provisions of subdivision (3) of subsection 1 of section 211.031,
17 the court shall so decree and make a finding of fact upon which
18 it exercises its jurisdiction over the child, and the court may,
19 by order duly entered, proceed as follows:

20 (1) Place the child under supervision in his own home or in
21 custody of a relative or other suitable person after the court or
22 a public agency or institution designated by the court conducts
23 an investigation of the home, relative or person and finds such
24 home, relative or person to be suitable and upon such conditions
25 as the court may require;

1 (2) Commit the child to the custody of:

2 (a) A public agency or institution authorized by law to
3 care for children or to place them in family homes;

4 (b) Any other institution or agency which is authorized or
5 licensed by law to care for children or to place them in family
6 homes;

7 (c) An association, school or institution willing to
8 receive it in another state if the approval of the agency in that
9 state which administers the laws relating to importation of
10 children into the state has been secured; or

11 (d) The juvenile officer;

12 (3) Beginning January 1, 1996, the court may make further
13 directions as to placement with the division of youth services
14 concerning the child's length of stay. The length of stay order
15 may set forth a minimum review date;

16 (4) Place the child in a family home;

17 (5) Cause the child to be examined and treated by a
18 physician, psychiatrist or psychologist and when the health or
19 condition of the child requires it, cause the child to be placed
20 in a public or private hospital, clinic or institution for
21 treatment and care; except that, nothing contained herein
22 authorizes any form of compulsory medical, surgical, or
23 psychiatric treatment of a child whose parents or guardian in
24 good faith are providing other remedial treatment recognized or
25 permitted under the laws of this state;

1 (6) Suspend or revoke a state or local license or authority
2 of a child to operate a motor vehicle;

3 (7) Order the child to make restitution or reparation for
4 the damage or loss caused by his offense. In determining the
5 amount or extent of the damage, the court may order the juvenile
6 officer to prepare a report and may receive other evidence
7 necessary for such determination. The child and his attorney
8 shall have access to any reports which may be prepared, and shall
9 have the right to present evidence at any hearing held to
10 ascertain the amount of damages. Any restitution or reparation
11 ordered shall be reasonable in view of the child's ability to
12 make payment or to perform the reparation. The court may require
13 the clerk of the circuit court to act as receiving and disbursing
14 agent for any payment ordered;

15 (8) Order the child to a term of community service under
16 the supervision of the court or of an organization selected by
17 the court. Every person, organization, and agency, and each
18 employee thereof, charged with the supervision of a child under
19 this subdivision, or who benefits from any services performed as
20 a result of an order issued under this subdivision, shall be
21 immune from any suit by the child ordered to perform services
22 under this subdivision, or any person deriving a cause of action
23 from such child, if such cause of action arises from the
24 supervision of the child's performance of services under this
25 subdivision and if such cause of action does not arise from an

1 intentional tort. A child ordered to perform services under this
2 subdivision shall not be deemed an employee within the meaning of
3 the provisions of chapter 287, RSMo, nor shall the services of
4 such child be deemed employment within the meaning of the
5 provisions of chapter 288, RSMo. Execution of any order entered
6 by the court, including a commitment to any state agency, may be
7 suspended and the child placed on probation subject to such
8 conditions as the court deems reasonable. After a hearing,
9 probation may be revoked and the suspended order executed;

10 (9) When a child has been adjudicated to have violated a
11 municipal ordinance or to have committed an act that would be a
12 misdemeanor if committed by an adult, assess an amount of up to
13 twenty-five dollars to be paid by the child to the clerk of the
14 court; when a child has been adjudicated to have committed an act
15 that would be a felony if committed by an adult, assess an amount
16 of up to fifty dollars to be paid by the child to the clerk of
17 the court.

18 4. Beginning January 1, 1996, the court may set forth in
19 the order of commitment the minimum period during which the child
20 shall remain in the custody of the division of youth services.
21 No court order shall require a child to remain in the custody of
22 the division of youth services for a period which exceeds the
23 child's eighteenth birth date except upon petition filed by the
24 division of youth services pursuant to subsection 1 of section
25 219.021, RSMo. In any order of commitment of a child to the

1 custody of the division of youth services, the division shall
2 determine the appropriate program or placement pursuant to
3 subsection 3 of section 219.021, RSMo. Beginning January 1,
4 1996, the department shall not discharge a child from the custody
5 of the division of youth services before the child completes the
6 length of stay determined by the court in the commitment order
7 unless the committing court orders otherwise. The director of
8 the division of youth services may at any time petition the court
9 for a review of a child's length of stay commitment order, and
10 the court may, upon a showing of good cause, order the early
11 discharge of the child from the custody of the division of youth
12 services. The division may discharge the child from the division
13 of youth services without a further court order after the child
14 completes the length of stay determined by the court or may
15 retain the child for any period after the completion of the
16 length of stay in accordance with the law.

17 5. When an assessment has been imposed under the provisions
18 of subsection 2 or 3 of this section, the assessment shall be
19 paid to the clerk of the court in the circuit where the
20 assessment is imposed by court order, to be deposited in a fund
21 established for the sole purpose of payment of judgments entered
22 against children in accordance with section 211.185.

23 211.321. 1. Juvenile court proceedings conducted pursuant
24 to subdivision (1) of subsection 1 of section 211.031 and for

1 termination of parental rights cases pursuant to sections 211.442
2 to 211.487, except for adoption cases, shall be open to the
3 public. The court, on its own motion, may close the proceedings
4 to the public to protect the welfare and best interests of the
5 child and for exceptional circumstances. Any victim or any party
6 to a juvenile court proceeding referred to in this subsection,
7 except the state, may file a verified motion requesting that the
8 general public be excluded from the proceeding or any portion of
9 the proceeding. Upon the filing of such verified motion, the
10 court shall hear arguments by the parties, but no evidence, and
11 shall make a determination whether to exclude the general public
12 from the proceedings or any portion of the proceedings. The
13 court shall make a finding on the record when a motion to close a
14 hearing or records pursuant to this section is made and heard by
15 the court.

16 2. Notwithstanding the provisions of subsection 1 of this
17 section, the general public shall be excluded from all juvenile
18 court proceedings referred to in subsection 1 of this section
19 during the testimony of any child or victim and only such persons
20 who have a direct interest in the case or in the work of the
21 court will be admitted to the proceedings.

22 3. All records shall be closed until the seventy-two hour
23 status conference is held pursuant to section 211.032 and shall
24 be open thereafter unless specifically closed by the court
25 pursuant to this section.

1 4. As appropriate, a record of the juvenile court hearings
2 described in subsection 1 of this section shall be made and
3 preserved by stenographic recording or by mechanical or
4 electronic recording as provided by law or court rule.

5 5. Pleadings and orders of the juvenile court other than
6 confidential files and those specifically ordered closed by the
7 juvenile court judge shall be open to the general public. For
8 purposes of this section, "confidential file" means all other
9 records and reports considered closed or confidential by law,
10 including but not limited to medical reports, psychological or
11 psychiatric evaluations, investigation reports of the division of
12 family services, social histories, and home studies. Only
13 persons who are found by the court to have a legitimate interest
14 shall be allowed access to confidential or closed files. In
15 determining whether a person has a legitimate interest, the court
16 shall consider the nature of the proceedings, the welfare and
17 safety of the public, and the interest of the minor. Any parent
18 or party may waive confidentiality for himself or herself, but
19 only the court may waive confidentiality for a minor child.

20 6. For records made available to the public pursuant to
21 this section, the identity of the victim shall not be disclosed
22 and all references in such records to the identity of the victim
23 shall be redacted prior to disclosure to the public.

24 7. The provisions of this section shall apply to juvenile
25 court proceedings specified in this section which are initiated

1 on or after August 28, 2003.

2 453.110. 1. No person, agency, organization or institution
3 shall surrender custody of a minor child, or transfer the custody
4 of such a child to another, and no person, agency, organization
5 or institution shall take possession or charge of a minor child
6 so transferred, without first having filed a petition before the
7 circuit court sitting as a juvenile court of the county where the
8 child may be, praying that such surrender or transfer may be
9 made, and having obtained such an order from such court approving
10 or ordering transfer of custody.

11 2. If any such surrender or transfer is made without first
12 obtaining such an order, such court shall, on petition of any
13 public official or interested person, agency, organization or
14 institution, order an investigation and report as described in
15 section 453.070 to be completed by the division of family
16 services and shall make such order as to the custody of such
17 child in the best interest of such child.

18 3. Any person violating the terms of this section shall be
19 guilty of a class D felony.

20 4. The investigation required by subsection 2 of this
21 section shall be initiated by the division of family services
22 within forty-eight hours of the filing of the court order
23 requesting the investigation and report and shall be completed
24 within thirty days. The court shall order the person having
25 custody in violation of the provisions of this section to pay the

1 costs of the investigation and report.

2 5. This section shall not be construed to prohibit any
3 parent, agency, organization or institution from placing a child
4 in a [family home for care] temporary placement, including but
5 not limited to a family home; church; athletic, academic, or
6 charitable camp; babysitting, military academy; child care
7 facility; foster home; or residential care facility, if the right
8 to supervise the care of the child and to resume custody thereof
9 is retained, or from placing a child with a licensed foster home
10 within the state through a child placing agency licensed by this
11 state as part of a preadoption placement.

12 6. After the filing of a petition for the transfer of
13 custody for the purpose of adoption, the court may enter an order
14 of transfer of custody if the court finds all of the following:

15 (1) A family assessment has been made as required in
16 section 453.070 and has been reviewed by the court;

17 (2) A recommendation has been made by the guardian ad
18 litem;

19 (3) A petition for transfer of custody for adoption has
20 been properly filed or an order terminating parental rights has
21 been properly filed;

22 (4) The financial affidavit has been filed as required
23 under section 453.075;

24 (5) The written report regarding the child who is the
25 subject of the petition containing the information has been

1 submitted as required by section 453.026;

2 (6) Compliance with the Indian Child Welfare Act, if
3 applicable; and

4 (7) Compliance with the Interstate Compact on the Placement
5 of Children pursuant to section 210.620, RSMo.

6 7. A hearing on the transfer of custody for the purpose of
7 adoption is not required if:

8 (1) The conditions set forth in subsection 6 of this
9 section are met;

10 (2) The parties agree and the court grants leave; and

11 (3) Parental rights have been terminated pursuant to
12 section 211.444 or 211.447, RSMo.

13 475.024. A parent of a minor, by a properly executed power
14 of attorney, may delegate to another individual, child care
15 facility, foster home, residential care facility, or child
16 placing agency, whether licensed or exempt from licensure
17 pursuant to section 210.211 or 210.516, RSMo, for a period not
18 exceeding one year, any of his powers regarding care or custody
19 of the minor child, except his power to consent to marriage or
20 adoption of the minor child.

21 630.097. The department of mental health shall develop,
22 implement, and administer a unified accountable comprehensive
23 children's mental health service system. To ensure a full
24 breadth of services, the system of care shall include all state
25 agencies and organizations involved in the lives of the children

1 served. The Missouri system of care shall include collaboration
2 with family members, the departments of health and senior
3 services; social services, division of family services, division
4 of youth services, and division of medical services; elementary
5 and secondary education; mental health, division of alcohol and
6 drug abuse, division of mental retardation and developmental
7 disabilities, and division of comprehensive psychiatric services;
8 and the office of state courts administrators, juvenile justice.
9 The department of mental health shall establish a state
10 interagency system of care team and local interagency systems of
11 care, comprised of representation from the departments of health
12 and senior services; social services, division of family
13 services, division of youth services, and division of medical
14 services; elementary and secondary education; mental health,
15 division of alcohol and drug abuse, division of mental
16 retardation and developmental disabilities, and division of
17 comprehensive psychiatric services; and the office of state
18 courts administrators, juvenile justice and family members, to
19 serve children with severe emotional and behavioral disturbance
20 problems. Local teams may include child-serving agencies and
21 schools as appropriate. The state team shall collaborate to
22 develop uniform language to be used in intake, assessment, and
23 other tools to be used with children. The system of care shall:
24 (1) Be child centered, family focused, and family driven,
25 with the needs of the child and family dictating the types and

1 mix of services provided, and shall include the families as full
2 participants in all aspects of the planning and delivery of
3 services;

4 (2) Provide community-based mental health services to
5 children and their families in the context in which the children
6 live and attend school;

7 (3) Respond in a culturally competent and responsive
8 manner;

9 (4) Stress prevention and early identification and
10 intervention;

11 (5) Assure access to a continuum of services that:

12 (a) Educate the community about the mental health needs of
13 children;

14 (b) Address the unique physical, emotional, social, and
15 educational needs of children;

16 (c) Are coordinated with the range of social and human
17 services provided to children and their families by the
18 departments of elementary and secondary education, social
19 services, health and senior services, and public safety, and the
20 family courts;

21 (d) Provide a comprehensive array of services through an
22 individualized service plan;

23 (e) Provide services in the least restrictive environment
24 possible;

25 (f) Are appropriate to the developmental needs of children;

1 (6) Include early screening and prompt intervention to:

2 (a) Identify and treat the mental health needs of children
3 in the least restrictive environment appropriate to their needs;
4 and

5 (b) Prevent further deterioration;

6 (7) Address the unique problems of paying for mental health
7 services for children, including:

8 (a) Access to private insurance coverage;

9 (b) Public funding; and

10 (c) Private funding and services;

11 (8) Include the child and the child's family in all aspects
12 of planning, service delivery, and evaluation; and

13 (9) Assure a smooth transition from mental health services
14 appropriate for a child to mental health services needed by a
15 person who is at least nineteen years of age.

16 Section 1. The division of family services, or its
17 successor division, shall:

18 (1) Submit amendments to state plans and seek available
19 waivers from the federal Department of Health and Human Services
20 to enhance federal reimbursement and federal administrative
21 reimbursement for foster care and adoption assistance under Title
22 IV-E of the Social Security Act and Title XIX of the Social
23 Security Act; and

24 (2) Take the necessary steps to qualify the state for
25 receipt of any federal block grant moneys which are or will be

1 available for foster care and adoption assistance.

2 Section 2. 1. If the location or identity of the natural
3 parent or parents of a child in the custody of the division is
4 unknown, the division of family services, or its successor
5 division, shall utilize all reasonable and effective means
6 available to conduct a diligent search for the biological parent
7 or parents of such child.

8 2. For purposes of this section, "diligent search" means
9 the efforts of the division, or an entity under contract with the
10 division, to locate a biological parent whose identity or
11 location is unknown, initiated as soon as the division is made
12 aware of the existence of such parent, with the search progress
13 reported at each court hearing until the parent is either
14 identified and located or the court excuses further search.

15 Section 3. 1. The department of mental health and the
16 department of social services shall jointly prepare a plan to
17 address the need for mental health services and supports for:

18 (1) All of the cases in the custody of the department of
19 social services that involve children in the system due
20 exclusively to a need for mental health services, and where there
21 is no instance of abuse, neglect, or abandonment; and

22 (2) Children or persons seventeen years of age who are
23 determined by the court to require mental health services under
24 subdivision (5) of subsection 1 of section 211.181, RSMo.

25 2. Such plan shall include:

1 (1) An analysis of federal funding, including waivers, that
2 may be used to support the needed mental health services and
3 supports;

4 (2) An analysis of the budgetary and programmatic impact of
5 meeting the needs of the children and persons seventeen years of
6 age for mental health services and supports; and

7 (2) An analysis of the feasibility, including time frames,
8 of securing federal funds for the support of the needed mental
9 health services and supports.

10 3. The plan required in this section shall be completed on
11 or before January 1, 2004. The directors of the department of
12 social services and the department of mental health shall submit
13 a copy of the plan to the governor, the president pro tem of the
14 senate, and the speaker of the house of representatives.

15 [211.321. 1. Records of juvenile court
16 proceedings as well as all information
17 obtained and social records prepared in the
18 discharge of official duty for the court
19 shall not be open to inspection or their
20 contents disclosed, except by order of the
21 court to persons having a legitimate interest
22 therein, unless a petition or motion to
23 modify is sustained which charges the child
24 with an offense which, if committed by an
25 adult, would be a class A felony under the
26 criminal code of Missouri, or capital murder,
27 first degree murder, or second degree murder
28 or except as provided in subsection 2 of this
29 section. In addition, whenever a report is
30 required under section 557.026, RSMo, there
31 shall also be included a complete list of
32 certain violations of the juvenile code for
33 which the defendant had been adjudicated a
34 delinquent while a juvenile. This list shall
35 be made available to the probation officer
36 and shall be included in the presentence

1 report. The violations to be included in the
2 report are limited to the following: rape,
3 sodomy, murder, kidnapping, robbery, arson,
4 burglary or any acts involving the rendering
5 or threat of serious bodily harm. The
6 supreme court may promulgate rules to be
7 followed by the juvenile courts in separating
8 the records.

9 2. In all proceedings under
10 subdivisions (1) and (2) of subsection 1 of
11 section 211.031, the records of the juvenile
12 court as well as all information obtained and
13 social records prepared in the discharge of
14 official duty for the court shall be kept
15 confidential and shall be open to inspection
16 only by order of the judge of the juvenile
17 court or as otherwise provided by statute.
18 In all proceedings under subdivision (3) of
19 subsection 1 of section 211.031 the records
20 of the juvenile court as well as all
21 information obtained and social records
22 prepared in the discharge of official duty
23 for the court shall be kept confidential and
24 may be open to inspection without court order
25 only as follows:

26 (1) The juvenile officer is authorized
27 at any time:

28 (a) To provide information to or
29 discuss matters concerning the child, the
30 violation of law or the case with the victim,
31 witnesses, officials at the child's school,
32 law enforcement officials, prosecuting
33 attorneys, any person or agency having or
34 proposed to have legal or actual care,
35 custody or control of the child, or any
36 person or agency providing or proposed to
37 provide treatment of the child. Information
38 received pursuant to this paragraph shall not
39 be released to the general public, but shall
40 be released only to the persons or agencies
41 listed in this paragraph;

42 (b) To make public information
43 concerning the offense, the substance of the
44 petition, the status of proceedings in the
45 juvenile court and any other information
46 which does not specifically identify the
47 child or the child's family;

48 (2) After a child has been adjudicated
49 delinquent pursuant to subdivision (3) of
50 subsection 1 of section 211.031, for an

1 offense which would be a felony if committed
2 by an adult, the records of the dispositional
3 hearing and proceedings related thereto shall
4 be open to the public to the same extent that
5 records of criminal proceedings are open to
6 the public. However, the social summaries,
7 investigations or updates in the nature of
8 presentence investigations, and status
9 reports submitted to the court by any
10 treating agency or individual after the
11 dispositional order is entered shall be kept
12 confidential and shall be opened to
13 inspection only by order of the judge of the
14 juvenile court;

15 (3) As otherwise provided by statute;

16 (4) In all other instances, only by
17 order of the judge of the juvenile court.

18 3. Peace officers' records, if any are
19 kept, of children shall be kept separate from
20 the records of persons seventeen years of age
21 or over and shall not be open to inspection
22 or their contents disclosed, except by order
23 of the court. This subsection does not apply
24 to children who are transferred to courts of
25 general jurisdiction as provided by section
26 211.071 or to juveniles convicted under the
27 provisions of sections 578.421 to 578.437,
28 RSMo. This subsection does not apply to the
29 inspection or disclosure of the contents of
30 the records of peace officers for the purpose
31 of pursuing a civil forfeiture action
32 pursuant to the provisions of section
33 195.140, RSMo.

34 4. Nothing in this section shall be
35 construed to prevent the release of
36 information and data to persons or
37 organizations authorized by law to compile
38 statistics relating to juveniles. The court
39 shall adopt procedures to protect the
40 confidentiality of children's names and
41 identities.

42 5. The court may, either on its own
43 motion or upon application by the child or
44 his representative, or upon application by
45 the juvenile officer, enter an order to
46 destroy all social histories, records, and
47 information, other than the official court
48 file, and may enter an order to seal the
49 official court file, as well as all peace
50 officers' records, at any time after the

1 child has reached his seventeenth birthday if
2 the court finds that it is in the best
3 interest of the child that such action or any
4 part thereof be taken, unless the
5 jurisdiction of the court is continued beyond
6 the child's seventeenth birthday, in which
7 event such action or any part thereof may be
8 taken by the court at any time after the
9 closing of the child's case.

10 6. Nothing in this section shall be
11 construed to prevent the release of general
12 information regarding the informal adjustment
13 or formal adjudication of the disposition of
14 a child's case to a victim or a member of the
15 immediate family of a victim of any offense
16 committed by the child. Such general
17 information shall not be specific as to
18 location and duration of treatment or
19 detention or as to any terms of supervision.

20 7. Records of juvenile court
21 proceedings as well as all information
22 obtained and social records prepared in the
23 discharge of official duty for the court
24 shall be disclosed to the child fatality
25 review panel reviewing the child's death
26 pursuant to section 210.192, RSMo, unless the
27 juvenile court on its own motion, or upon
28 application by the juvenile officer, enters
29 an order to seal the records of the victim
30 child.]